



# F3 Law

## Federal Executive Order on Immigration: FAQs Regarding Impact on Schools

On January 21, 2025, the Department of Homeland Security ("DHS") announced <sup>1</sup> that it was rescinding a Biden-era policy preventing immigration enforcement actions at "sensitive locations," including schools. The impact of this policy change is to remove limitations on enforcement at such sites. Immigration and Customs Enforcement ("ICE") now has greater reach. State laws still direct local educational agency governing boards to adopt policies that limit classroom interruptions. (Education Code §32212).

### Frequently Asked Questions

Below are some common concerns clients have noted in response to the policy change, as well as our current recommendation based on the information we have now. This is an evolving situation, and we will revise this guidance based on any new information that becomes available.

#### Does this mean we have to let ICE agents in any space at any time?

No. This policy change does not impact schools' ability to maintain closed campuses and does not require schools become completely open to the public. Policies requiring visitors to sign in at the front office remain enforceable. We recommend reviewing and, if needed, updating your visitor policy. We also recommend ensuring each campus has appropriate signage directing visitors to the front office, noting that the space beyond a certain point is not open to the public, and that trespassing is not permitted. If necessary, we recommend doing a walkthrough of the campus to make sure all areas are clearly marked and identify where additional signage may be required to clarify which areas are off-limits to the public. Finally, we recommend enforcing your visitor policy consistently and equally as to all visitors.

When making these decisions, we recommend keeping in mind your obligation to provide students with a safe place to learn. This includes ensuring unobstructed entrances and exits to campus.

#### How does this affect our current policies and practices?

This policy applies to the location of ICE enforcement actions; it does not change districts' rights and responsibilities under state law and, if applicable, board policy. Districts are still permitted to enact and enforce policies that limit classroom interruptions. Students – regardless of their immigration status – are still protected from unreasonable detentions by law enforcement under the Fourth Amendment of the US Constitution.

District officials are still required under state law to report requests for information or access by law enforcement to their governing board or body. Subject to limited exceptions, districts must still notify parents when they release a student to law enforcement to be removed from school premises; they may still notify parents when a law enforcement officer questions their child. School sites may still request to see warrants or subpoenas from law enforcement – including ICE – seeking access to campus.

If ICE agents arrive at a school site, program or activity, we recommend directing staff to remain calm, gather an understanding of the purpose for law enforcement, and notify the appropriate district personnel so the district can take appropriate legal action.

## What should we tell our school community?

All students who live within the district's attendance boundaries may enroll in their local public school – immigration status does not change that – and this latest policy does not change that.

We recommend reassuring families that the district does not and, consistent with applicable law, will not collect information on students' or families' immigration status. We also recommend reminding families to update their emergency contact cards to make sure that there is clear and current contact information identifying who a student can be released to if a parent is unavailable. Finally, we recommend reminding the school community that bullying and harassment based on race, color, and/or national origin is unacceptable.

## Does California have laws limiting ICE's reach?

California remains a Sanctuary State. While this does not mean that ICE agents will not conduct enforcement actions in California, it does mean that the state will not cooperate with federal immigration enforcement. In addition, lawmakers in Sacramento have proposed two bills – AB 49 (Muratsuchi)<sup>2</sup> and SB 48 (Gonzalez)<sup>3</sup> – that would limit federal law enforcement's ability to conduct enforcement actions on school campuses. F3 is monitoring the status of those bills and will provide updates once more information becomes available.

Please keep in mind that the current administration has signaled that they will challenge state immigration laws that they feel are inconsistent with federal laws under the Supremacy Clause of the U.S. Constitution. There are no challenges at this time, and state laws remain in effect. The Department of Justice has also directed <sup>4</sup> the U.S. Attorney's office to investigate and potentially prosecute instances of state and local actors "resisting, obstructing, and otherwise failing to comply with lawful immigration-related commands." The impact of this direction remains to be seen.

## Access to Referenced Documents

Scan this QR code to access the documents referenced in this tipsheet.

1. Department of Homeland Security ("DHS") Statement
2. AB 49 (*Muratsuchi*) School sites and Daycare Centers, Entry Requirements, Immigration Enforcement
3. SB 48 (*Gonzalez*) Immigration Enforcement, School sites, Prohibitions on Access, Sharing Information, and Law Enforcement collaboration. (2025-2026)
4. Department of Justice ("DOJ") Memo dated January 21, 2025



F3 will continue to monitor this ongoing situation. If you would like assistance with or advice regarding specific situations, please reach out to legal counsel.