

RISK SIMPLIFIED

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AB-699: Guidelines Available for Schools to Protect Undocumented Students

by Eric Lucero

In June 1982, the United States Supreme Court issued *Plyler v. Doe* (457 U.S. 202), a landmark decision holding that states cannot constitutionally deny students from free public education solely based on immigration status. The Supreme Court found that any resources that might be saved from excluding undocumented children from public schools were far outweighed by the harms imposed on society at large from denying these students an education. For more than 30 years, *Plyler v. Doe* has ensured equal access to education for children, regardless of immigration status.

In California, existing law affords all persons in public schools, regardless of their

disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, or any other specified characteristic, equal rights and opportunities in the educational institutions of the state. AB-699 was introduced to expressly include immigration status as a protected characteristic under state law.



AB-699 was passed in October 2017 and amended Sections 200, 220, and 234.1 of the Education Code. It mandated that the Attorney General publish model policies by April 1, 2018, that limit assistance with immigration enforcement in public schools. Local educational agencies were then required to adopt these policies by July 1, 2018. Agencies can choose to provide greater protection for students and families, but their policies must minimally reflect the requirements set forth by the Attorney General.

In May of 2018, California Attorney General Xavier Becerra complied with his mandate to provide guidance to California's public schools.

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The Resource Center links (above), are intended to help school officials form practical plans to protect the rights of immigrant students and their families. They include a compliance guide with model policies and informational brochures for affected students and families.

The guide, provided by Mr. Becerra, details procedures and policies addressing:

- Gathering and handling of student/family information
- Sharing student and family information
- Responding to requests for access to school grounds for immigration-enforcement purposes
- Responding to hate crime and bullying related to national origin or ethnicity.

Please contact your legal counsel or the office of the [California Attorney General](#) for additional information.

As always, we invite you to share your comments, challenges, and/or questions about AB-699 on our [PRISM Message Board](#) (must be logged in to PRISM website to access). You can also feel free to contact the [Risk Control Department](#) for more information.

