



## Subject: Notice to Local Educational Agencies, Licensed Child Daycare Facilities, California State Preschool Programs, and Parents and Guardians re: Legal Requirements under the Family Preparedness Plan Act of 2025 (Assembly Bill 495) Regarding Immigration Enforcement Actions

The Office of the Attorney General issues this bulletin to provide notice to local educational agencies, licensed child daycare facilities, California state preschool programs, and parents and guardians regarding new legal requirements under Assembly Bill (AB) 495, the Family Preparedness Plan Act of 2025 (AB 495), related to immigration enforcement actions. AB 495 took effect January 1, 2026.<sup>1</sup>

### Summary of AB 495

**First**, AB 495 amends Education Code section 234.7 to strengthen protections for students and their families related to immigration enforcement<sup>2</sup> actions at TK-12 schools and programs operated by “local educational agencies,” which is defined as “a school district, county office of education, or charter school” (referred to herein as LEAs). It does so by: (1) prohibiting LEAs from allowing voluntary access to nonpublic areas of schoolsites for the purpose of immigration enforcement without a valid judicial subpoena, judicial warrant, or court order; (2) prohibiting LEAs from disclosing or providing education records or information regarding students, families, and employees without a judicial subpoena, judicial warrant, or court order, to the extent practicable; (3) requiring LEAs to adopt by March 1, 2026 updates to previously issued K-12 guidance from the Attorney General;<sup>3</sup> and (4) requiring LEAs to post (by the beginning of the next school year) a “Know Your Educational Rights” guide that the Attorney General will update and provide in various languages.

Existing law – the Immigrant Worker Protection Act – already prohibits employers from voluntarily providing immigration enforcement officers access to non-public areas of workplaces and to access, review, or obtain employee records, with certain exceptions.<sup>4</sup> Existing law also regulates the collection and imposes certain obligations on schools related to information regarding immigration status.<sup>5</sup> AB 495 adds the below requirements with respect to LEAs:

- (1) AB 495 additionally restricts LEAs from providing voluntary consent, with specific exceptions, to enter a nonpublic area of a “schoolsites,” which is defined as “an individual school campus of a school district, county office of education, or charter school, an area where a local educational agency’s school-sponsored activity is currently being held, or a schoolbus or other transportation provided by a local educational agency.” (Ed. Code, § 234.7, subd. (l)(3).) Thus, a “nonpublic area” of a schoolsites may differ from a “nonpublic area” of a place of labor under the Immigrant Worker Protection Act.

1 AB 495 amended Education Code section 234.7 effective January 1, 2026, and overlaps with amendments enacted by AB 49 (effective September 20, 2025). AB 495 rendered AB 49 inoperative on January 1, 2026. Therefore, this bulletin focuses on the amendments to the Education Code as set forth in AB 495.

2 “Immigration enforcement” includes any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, and 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. (Ed. Code, § 234.7, subd. (l)(1).)

3 California Department of Justice, *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes* (Dec. 2025) <<https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf>> (as of Mar. 10, 2026).

4 Gov. Code, §§ 7285.1, 7285.2.

5 Ed. Code, § 234.7, subds. (a)(1), (c).



- (2) AB 495 expands protections in the California Education Code related to information disclosure to prohibit LEAs, to the extent practicable, from disclosing or providing, in writing, verbally, or in any other manner, *any information* about a pupil, *including their education records, or information about the pupil's family and household* to an officer or employee of an agency conducting immigration enforcement, unless the person provides a valid judicial warrant, judicial subpoena, or court order directing the disclosure. AB 495 also expressly extends these protections to teachers and employees of LEAs. (Ed. Code, § 234.7, subd. (b).)

**Second**, AB 495 adds Health and Safety Code section 1597.640, addressing licensed child daycare facilities and California state preschool programs as follows:

- (1) Requires the Attorney General's Office to issue model policies for licensed daycare facilities and California state preschool programs by April 1, 2026, and requires all California state preschool programs to adopt these policies, or equivalent policies, by July 1, 2026.
- (2) Prohibits licensed daycare facilities, their employees, and license-exempt California state preschool program facilities from collecting information or documents regarding the citizenship or immigration status of children or their family members, unless required by state or federal law or to administer a state or federally supported educational program. It also sets forth reporting requirements for these facilities regarding any requests for information or access to the facility by an officer of a law enforcement agency for immigration enforcement purposes.
- (3) Requires all licensed daycare facilities and state preschool programs to update any information, policies, or guidance they provide to parents or authorized representatives to align with the Attorney General's model policies.

**Third**, AB 495 amends Family Code sections 6550 and 6552 to broaden the definition of who qualifies as a "relative" for purposes of completing a caregiver's authorization affidavit, which authorizes caregivers who reside with a minor to enroll the minor in school and to consent to school-related medical care, and other requirements regarding caregiver's authorization affidavits.

**Finally**, AB 495 modifies Probate Code sections 1502 and 2105 to expand the circumstances under which persons are eligible to petition for joint guardianship, including in the event that parents face future events (such as deportation or immigration enforcement proceedings) that make them unavailable to care for their children.

## **AB 495 Deadlines for LEAs, California State Preschools, and Licensed Daycare Facilities**

AB 495 establishes the following deadlines for LEAs, California State Preschools, and Licensed Daycare Facilities:

### Programs Operated by LEAs (Education Code section 234.7):

- **December 1, 2025:** The Attorney General's Office must update the guidance and model policies it previously issued in 2018 and updated in December 2024.<sup>6</sup>
- **March 1, 2026:** LEAs must update their policies to conform with the Attorney General's guidance and model policies.
- **Beginning of 2026 School Year:** LEAs must adopt the "Know Your Educational Rights" checklist that the Attorney General's Office will update, and must post this checklist on their websites and at their administrative offices.

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6 See footnote 3.

Licensed Daycare Facilities and California State Preschool Programs (Health and Safety Code section 1597.640):

- **April 1, 2026:** In consultation with stakeholders, the Attorney General’s Office will publish model policies for licensed child daycare facilities and California state preschool programs regarding limiting assistance with immigration enforcement.
- **July 1, 2026:** All California state preschool programs must adopt these model policies or equivalent policies.

**Specific Requirements Under AB 495**

**Programs Operated by LEAs (Education Code section 234.7)**

AB 495 adds the following requirements to Education Code section 234.7:

- **Access to nonpublic areas of schoolsites:** prohibits school officials and employees of a LEA, unless required by state or federal law, or required to administer a state or federally supported educational program, from allowing an officer or employee of an agency conducting immigration enforcement to enter a nonpublic area of a schoolsite for any purpose, unless the person seeking entry presents them with a valid judicial warrant, judicial subpoena, or a court order.<sup>7</sup> (Ed. Code, § 234.7, subd. (a) (2).)
  - o School officials must, to the extent practicable, ask the person to provide valid identification if they are seeking to enter a nonpublic area of a schoolsite. (*Id.*)
  - o This does not limit the right of a LEA and its officials to consult with counsel or challenge the validity of a warrant, subpoena, or court order in a court of competent jurisdiction. (*Id.*)
- **Access to documents or information about a pupil, pupil’s family, and staff:** prohibits a LEA and its personnel, to the extent practicable, from disclosing or providing, in writing, verbally, or in any other manner, any information about a pupil, including their education records, or information about the pupil’s family and household, to an officer or employee of an agency conducting immigration enforcement, unless that officer or employee provides a valid judicial warrant, judicial subpoena, or court order directing the LEA or its personnel to do so. This prohibition applies as well to any information about a school employee or teacher. (Ed. Code, § 234.7, subd. (b).)
  - o Includes “personal information,” as defined by Civil Code section 1798.3 (“[A]ny information that is maintained by an agency that identifies or describes an individual, including, but not limited to, the individual’s name, social security number, physical description, home address, home telephone number, education, financial matters, and medical or employment history. It includes statements made by, or attributed to, the individual.”). (*Id.*)
  - o Includes information about a pupil’s home and travel schedule. (*Id.*)
  - o Any disclosure of a pupil’s education records pursuant to a valid judicial warrant, judicial subpoena, or court order must be in accordance with the parent notification requirements set forth in Section 99.31(a)(9)(ii) of Title 34 of the Code of Federal Regulations.<sup>8</sup> (*Id.*)

7 Because a schoolsite is a place of labor, the Immigrant Worker Protection Act (Assem. Bill No. 450 (2017-2018 Reg. Sess.)) is applicable. AB 450 imposes obligations on public employers and persons acting on their behalf in the event an officer engaged in immigration enforcement seeks to enter the nonpublic areas of an employer’s place of business, subject to certain exceptions.

8 34 C.F.R. § 99.31(a)(9)(ii) provides:

The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with—

- **Parent Emergency Contact information:** requires that if an employee of a school is aware that a pupil’s parent or guardian is not available to care for the pupil, the school must first exhaust any parental instruction relating to the pupil’s care contained in the emergency contact information it has on file for the pupil to arrange for the pupil’s care. A school is encouraged to work with parents or guardians to update the emergency contact information and not to contact a child protective services agency to arrange for the pupil’s care unless the school is unable to arrange for care through the use of emergency contact information or other information or instructions provided by the parent or guardian. (Ed. Code, § 234.7, subd. (d).) Accordingly, schools should consider requesting parents or guardians to provide instructions to arrange for the pupil’s care.
- **Sending, receiving, maintaining, or exchanging citizenship or immigration status information:** AB 495 does not prohibit or restrict any governmental entity or official from sending to, or receiving from, federal immigration authorities, information regarding the citizenship or immigration status, lawful or unlawful, of an individual, or from requesting from federal immigration authorities immigration status information, lawful or unlawful, of any individual, or maintaining or exchanging that information with any other federal, state, or local governmental entity, pursuant to sections 1373 and 1644 of Title 8 of the United States Code. (Ed. Code, § 234.7, subd. (i).)
- **Information regarding the right to a free public education:** the governing board or body of a LEA:
  - o Must provide information to parents and guardians, as appropriate, regarding their child’s right to a free public education, regardless of immigration status or religious beliefs. This information shall include “Know Your Educational Rights” and “Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s K-12 Schools in Responding to Immigration Issues” guides issued by the Attorney General and may be provided in the annual notification to parents and guardians pursuant to Education Code section 48980 or any other cost-effective means determined by the LEA. (Ed. Code, § 234.7, subd. (e)(1).)
- **Updates to Policies:**
  - o On December 1, 2025, as required under AB 495, the Attorney General’s Office updated the model policies it previously released in 2018 and updated in December 2024, to conform to these new requirements.<sup>9</sup> (Ed. Code, § 234.7, subd. (g)(2).) The policies must include:
    - Procedures related to requests for access to school grounds for purposes related to immigration enforcement. (Ed. Code, § 234.7, subd. (g)(1)(A).)
    - Procedures for LEA employees to notify the superintendent of the school district or their designee, the superintendent of the county office of education or their designee, or the principal of the charter school or their designee, as applicable, if an individual requests or gains access to school grounds for purposes related to immigration enforcement. (Ed. Code, § 234.7, subd. (g)(1)(B).)
    - Procedures for responding to requests for personal information about pupils or their family members for purposes of immigration enforcement. (Ed. Code, § 234.7, subd. (g)(1)(c).)

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(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(C) An *ex parte* court order obtained by the United States Attorney General (or designee not lower than an Assistant Attorney General) concerning investigations or prosecutions of an offense listed in 18 U.S.C. § 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. § 2331.

9 California Department of Justice, *Promoting a Safe and Secure Learning Environment for All: Guidance and Model Policies to Assist California’s TK-12 Schools in Responding to Requests for Access and Information for Immigration Enforcement Purposes* (Dec. 2025) <<https://oag.ca.gov/system/files/media/school-guidance-model-k12.pdf>> (as of Mar. 10, 2026).



- LEAs must update their model policies regarding these requirements **by March 1, 2026**, and make the policy available to the California Department of Education upon request. (Ed. Code, § 234.7, subs. (h) (3) & (j).)
- **Monitoring and Auditing:**
  - o LEAs may be subject to monitoring and auditing by the department to ensure their policies are updated and available to the California Department of Education upon request. (Ed. Code, § 234.7, subd. (k).)

**Family Preparedness in Licensed Child Daycare Facilities and California State Preschool Programs (Health and Safety Code section 1597.640)**

Effective January 1, 2026, AB 495 adds section 1597.640 to the Health and Safety Code, which provides:<sup>10</sup>

1. Except as required by state or federal law or as required to administer a state or federally supported educational program, licensed child daycare facilities and license-exempt state preschool program facilities are prohibited from collecting information or documents regarding citizenship or immigration status of pupils or their family members. (Health & Saf. Code, § 1597.640, subd. (a).)
2. The licensee or administrator of a licensed child daycare facility is required, as applicable, to report to the State Department of Social Services and Attorney General any requests for information or access to the facility by an officer or employee of a law enforcement agency, for the purpose of immigration enforcement, ensuring the confidentiality and privacy of any information in accordance with the right to privacy contained in the California Constitution. (Health & Saf. Code, § 1597.640, subd. (b)(1)(A).)
3. A licensee or administrator of a licensed child daycare facility or a license-exempt state preschool program facility is required to request parents or authorized representatives to review and update their emergency contact information, as needed. (Health & Saf. Code, § 1597.640, subd. (c).)
4. A licensed child daycare facility or license-exempt state preschool program is required to first exhaust any parental instruction relating to the child’s care found in the child’s emergency contact information if a licensee, administrator, or worker, or any other representative is aware that a child’s parent or authorized representative is not available to care for the child. (Health & Saf. Code, § 1597.640, subd. (d).)
5. The Attorney General, by April 1, 2026, is required, in consultation with appropriate stakeholders, to publish model policies limiting assistance with immigration enforcement at licensed child daycare facilities and license-exempt state preschool program facilities. (Health & Saf. Code, § 1597.640, subd. (f).) The statute authorizes the Attorney General to publish these model policies and interpret the provisions in this section without undergoing the rulemaking process set forth in the California Administrative Procedure Act.<sup>11</sup> (*Id.*) The State Department of Social Services shall inform licensed child daycare facilities, and the State Department of Education shall inform license-exempt California state preschool program facilities, of the Attorney General’s published model policies. (Health & Saf. Code, § 1597.640, subd. (g) (1).)

All California state preschool programs, including both those that are licensed and license-exempt, are required to adopt the model policies, or equivalent policies, as soon as possible, but no later than July 1, 2026. California state preschool programs are required to update their policies to conform with any revisions or updates to the Attorney General’s model policies. (Health & Saf. Code, § 1597.640, subs. (g) (2).)

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10 Any daycare facility or preschool program operated by a local educational agency that is subject to Health & Saf. Code, § 1597.640 is also subject to Ed. Code, § 234.7.  
 11 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.



6. A licensed child daycare facility and a license-exempt state preschool program facility is required to provide a child’s parent or authorized representative with information about how to access the model policies as best practices guidance. The State Department of Social Services is required to inform licensed child daycare facilities, and the State Department of Education to inform license-exempt California state preschool program facilities, of any updates to the model policies when the department is notified by the Attorney General of such updates. Any information provided by facilities to parents or authorized representatives shall be revised as necessary to be consistent with any updates to the Attorney General’s model policies. (Health & Saf. Code, § 1597.640, subds. (g) & (h).)
7. Notwithstanding the rulemaking provisions of the California Administrative Procedure Act,<sup>12</sup> the State Department of Social Services may implement, interpret, make specific, and administer this section by means of interim licensing standards that shall have the same force and effect as regulations, until regulations are adopted. (Health & Saf. Code, § 1597.640, subd. (j).)

**Caregiver’s Authorization Affidavit (Family Code sections 6550 and 6552)**

Effective January 1, 2026, Family Code sections 6550 and 6552 provide:

1. An adult caregiver, as defined, that completes a caregiver’s authorization affidavit, as specified, is authorized to enroll a child in school and consent to school-related medical care on behalf of a child. (Fam. Code, §§ 6550, 6552.)
2. A “relative” means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including all stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand” (Fam. Code, § 6550, subd. (h)(2)); or the spouse of any of the persons specified in this definition, even after the marriage has been terminated by death or dissolution. (*Id.*)
3. “School-related medical care” means medical care, including immunizations, physical examinations, and medical examinations conducted in schools for pupils, that is required by state or local governmental authority as a condition for school enrollment or participation in LEA-related extracurricular activities. (Fam. Code, § 6550, subd. (h)(3).)
4. On the caregiver’s authorization affidavit, the caregiver must select a checkbox that states “I am a relative of the child (see back of this form for a definition of ‘relative’)” and provide their California driver’s license, identification card number, or government-issued consular card number. (Fam. Code, § 6552.)
5. The affidavit includes a Warning to Caregiver to not sign the form if any of its statements are incorrect. (*Id.*)
6. The affidavit includes a Warning to Local Educational Agencies and Health Care Service Providers that a seal or signature from a court is not required and that the form does not need to be notarized. (*Id.*)
7. The affidavit is no longer valid if the minor stops living with the relative. (*Id.*)
8. A health care service provider who acts in good faith reliance upon a caregiver’s authorization affidavit to provide medical or dental care, without actual knowledge of facts contrary to those stated on the affidavit, is not subject to criminal or civil liability to any person, and is not subject to professional disciplinary action, for that reliance if the applicable portions of the form are completed. (*Id.*)

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<sup>12</sup> *Id.*

9. When the affidavit is signed by a relative, it shall confer the same rights to authorize medical care and dental care for the minor that are given to guardians under section 2353 of the Probate Code, which may include mental health treatment subject to the limitations of section 2356 of the Probate Code. (*Id.*)

### **Nominations of Guardianship (Probate Code sections 1502 and 2105)**

Effective January 1, 2026, Probate Code sections 1502 and 2105 provide:

1. A court, in its discretion, may appoint two or more joint guardians or conservators of a person. If a custodial parent has been diagnosed with a terminal condition,<sup>13</sup> as evidenced by a licensed physician's declaration, a court may appoint the custodial parent and a person nominated by the custodial parent as joint guardians of the minor. The court cannot make this appointment over the objection of a noncustodial parent, unless it finds that giving custody to the noncustodial parent would harm the child. (Prob. Code § 2105, subs. (a)(1) & (f).)
2. A court, in its discretion, may appoint the custodial parent and person nominated by the parent as joint guardians of the minor when the custodial parent is temporarily unavailable because of a serious medical condition or disability, military service, incarceration, an immigration-related administrative action, or other circumstances. These circumstances must be specified in the parent's nomination of a guardian. (Prob. Code, § 2105, subd. (g)(1).)
3. A court must give a nomination of a guardian of the person due weight pursuant to Family Code section 3043. (Prob. Code, § 1502, subd. (a).)
4. The person making the nomination may specify, in writing, that a nomination of a guardian will become effective if the subsequent absence, legal incapacity, or death of the person making the nomination occurs. Unless the writing making the nomination provides otherwise, a nomination of guardianship remains effective even after the subsequent absence, legal incapacity, or death of the person making the nomination. (Prob. Code, § 1502, subs. (b) & (c).)
5. A parent appointed as a joint guardian may file a petition to terminate the joint guardianship because the conditions specified in the nomination, or in the petition for guardianship, no longer impair the parent's availability to care for their child. (Prob. Code, § 2105, subd. (g)(2).)
6. There is a presumption that termination of a guardianship is in the child's best interest, upon a showing that the activating event no longer affects the parent's ability to care for their child. (*Id.*)
7. All court records, petitions, orders, and documents related to the appointment of a joint guardian pursuant to Probate Code section 2105 are confidential. Only people who have been served in the proceeding and their attorneys, if applicable, may have access to them. (Prob. Code, § 2105, subd. (g)(3).)
8. The court clerk must make provisions to limit access to the documents and any other personally identifiable information of the child, custodial parent, appointed guardian, or family members who are a party to or identified in the proceeding. (*Id.*)
9. The information in these records is prohibited from being disclosed to law enforcement officers or agencies or any entity engaged in immigration enforcement without a court order. (Prob. Code, § 2105, subd. (g)(4).)

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<sup>13</sup> "Terminal condition" means an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, within reasonable medical judgment, result in death. (Prob. Code, § 2105, subd. (f).)