

Supporting Students Through Immigration Related Disruptions



What Families Should Know About Their Rights

School districts and charter schools must inform parents and students of their educational rights, including the ability for parents to designate an adult to care for their child if they become unavailable. These responsibilities help ensure families understand their child’s right to a free public education and the protections guaranteed under state law.

Under Education Code (EC) § 48980, governing boards must provide parents and guardians with information on these rights, regardless of immigration status. This includes the [Attorney General’s “know your rights”](#) guidance on immigration enforcement, which may be shared through the annual parent notification or other cost-effective methods. Districts must also educate students about the harms of bullying based on immigration status, with the option to adopt stronger protections.

Materials beyond those established by the Attorney General (e.g., red/blue cards, nonprofit resources) go beyond statutory requirements, and administrators should act within district policy when sharing information. Districts interested in setting stronger protections than those required should consult legal counsel.

Caregiver Affidavits: A Tool For Families

The Caregiver Authorization Affidavit (CAA) can support families and districts, but schools must first follow any parental instructions in the student’s emergency contact records, making it critical for families to keep that information updated. A caregiver affidavit only becomes effective when a child is actually living with the caregiver, ensuring that the affidavit supports—but does not replace—the primary role of parental direction through emergency contacts.

The CAA allows parents to designate an adult with whom a student is living as a caregiver. This authorization gives the caregiver the ability to enroll the child in school and consent to school-related medical care, which also establishes residency under EC § 48204 for enrollment purposes.

The affidavit remains valid only while the child continues to live with the caregiver. To authorize broader medical, dental, or mental health care outside of school, the caregiver must be a “qualified relative.” While the affidavit provides important authority for day-to-day school matters, it does not transfer parental rights, alter custody arrangements, or grant custody to unrelated individuals.

Caregiver affidavits are not schools’ first resort when a parent is unavailable to care for a student. According to EC § 234.7 (c), schools must first exhaust any parental instructions relating to the student’s care within the emergency contact information. Emergency contacts come first; caregiver affidavits are not executed until the child lives with a caregiver. The [Attorney General’s guidance](#) recommends families develop a broader safety plan (e.g., a petition for appointment of a temporary guardian, or a family safety plan, etc.) along with other preparations (pp. 32–33).

What Should Schools Do If A Parent Cannot Pick Up Their Child?

If a parent cannot be reached, schools should first follow the instructions listed in the student's emergency contact information, which may also include a CAA if one has been completed. To help ensure this process works smoothly, schools should regularly work with parents to keep those contacts up to date. Only if no care can be arranged through the emergency contacts should Child Protective Services be contacted.

Continuing To Serve Students: Independent Study

Independent study (IS) enables students to continue their learning, engage with staff, and address truancy, all while generating ADA from one day to a full year. In-person instruction remains the preferred method of instruction, but IS may be offered as a voluntary alternative for any grade level. This option is especially valuable when families have concerns about detention or deportation.

LEAs must follow all IS requirements under EC § 51744–51749.6, many of which are linked to ADA and funding. Besides the voluntary aspect of participation, there are other important requirements districts should keep in mind, such as academic standards, recordkeeping, upper age limits, geographic considerations, and program-specific requirements, especially for traditional independent study and Course-based independent study (CBIS) programs. The California Department of Education has an FAQ section on its website addressing both [programmatic](#) and [fiscal issues](#). Additional information about IS can be found on our [Resource Hub](#), provided by School Services of California Inc.

Establishing Residency For Impacted Students

EC § 48204.4 ensures students do not lose their California or district residency due to their parent or guardian being forced to leave the state against their will. For a student to qualify, two things must be true: 1) the parent or guardian must have been removed or allowed to leave under federal immigration law, and 2) the student must have been living in California and enrolled in a public school immediately before the move. When both of these conditions are met, the law requires the school district to admit the student, as long as there's documentation showing the parent's involuntary departure and the student's prior enrollment. This provides a safeguard so the student can keep their educational stability and continue receiving the support they need, even during a difficult transition. Additional information about establishing residency can also be found on our [Resource Hub](#), provided by School Services of California Inc.

Publicly Available Immigration Resources

❖ [ACSA Resource Hub](#)

ACSA has compiled resources to help school leaders respond to immigration enforcement's impact on students, including mental health, and families in California K-12 public schools, including Know Your Rights materials, mental health resources, family preparedness plans, and more.

❖ [Office of Immigrant Youth \(CA Dept of Social Services\)](#)

Administers culturally responsive social support programs for immigrant youth and partners with school districts and non-profit community-based organizations to administer programs.

❖ [National Youth Law Center - California Caregiver Affidavit](#)

Offers guidance on completing and using the California Caregiver Affidavit to support unaccompanied immigrant children.

Special thanks from ACSA to [Fagen, Friedman, & Fulfroost](#), and [School Services of California Inc.](#), for assisting our members by helping create this important resource.