



Environmental Charter Schools ("ECS")

STUDENT AND FAMILY PRIVACY RIGHTS POLICY & GUIDELINES

1) INTRODUCTION AND PURPOSE

- a. This statement of the Board of the Environmental Charter Schools (the "Board") sets forth the policies governing ECS student and family privacy rights.
- b. The Governance Committee of ECS (the "Committee") is responsible for recommending policies and processes for effective governance at ECS. The policies described here will be used to comply with California Assembly Bill (AB) No. 699 (O'Donnell and Chiu; 2017-2018 Regular Session)—Educational equity: immigration and citizenship status.
- c. AB 699 mandates that the Attorney General, by April 1, 2018, publish model policies "...limiting assistance with immigration enforcement at public schools, to the fullest extent possible consistent with federal and state law, and ensuring that public schools remain safe and accessible to all California residents regardless of immigration status." AB 699 further requires that by July 1, 2018, all local educational agencies in California, including all school districts, county offices of education, and charter schools, adopt the policies that are stated below (or equivalent policies).
- d. The Committee will review this statement as needed, but at least annually, to ensure its continued compliance with federal and state laws. Any changes to this policy must be approved by the Board.

2) COLLECTING AND RETAINING STUDENT INFORMATION

- a. The Committee shall maintain in writing ECS policies and procedures for gathering and handling sensitive student information, and appropriate personnel shall receive training regarding those policies and procedures.
- b. If ECS possesses information that could indicate immigration status, citizenship status, or national origin information, ECS shall not use the acquired information to discriminate against any students or families or bar children from enrolling in or attending school.
- c. If parents or guardians choose not to provide information that could indicate their or their children's immigration status, citizenship status, or national origin information, ECS shall not use such actions as a basis to discriminate against any students or families or bar children from enrolling or attending school.
- d. ECS shall not allow school resources or data to be used to create a registry based on race, gender, sexual orientation, religion, ethnicity, or national origin.

3) INQUIRIES REGARDING IMMIGRATION STATUS, CITIZENSHIP STATUS, AND NATIONAL ORIGIN INFORMATION

- a. ECS personnel shall not inquire specifically about a student's citizenship or immigration status or the citizenship or immigration status of a student's parents or guardians; nor shall personnel seek or require, to the exclusion of other permissible documentation or information, documentation or



information that may indicate a student's immigration status, such as a green card, voter registration, a passport, or citizenship papers.

- b. Where any law contemplates submission of national origin related information to satisfy the requirements of a special program, ECS personnel shall solicit that documentation or information separately from the school enrollment process.
- c. Where permitted by law, the Committee shall enumerate alternative means to establish residency, age, or other eligibility criteria for enrollment or programs, and those alternative means shall include among them documentation or information that are available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status.
- d. Where residency, age, and other eligibility criteria for purposes of enrollment or any program may be established by alternative documents or information permitted by law or this STUDENT AND FAMILY PRIVACY RIGHTS POLICY & GUIDELINES, ECS' procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this STUDENT AND FAMILY PRIVACY RIGHTS POLICY & GUIDELINES.

4) INQUIRIES ABOUT SOCIAL SECURITY NUMBERS OR CARDS

- a. ECS shall not solicit or collect entire Social Security numbers or cards.
- b. ECS shall solicit and collect the last four digits of an adult household member's Social Security number only if required to establish eligibility for federal benefit programs.
- c. When collecting the last four digits of an adult household member's Social Security number to establish eligibility for a federal benefit program, ECS shall explain the limited purpose for which this information is collected, and clarify that a failure to provide this information will not bar the student from enrolling in or attending the school.
- d. ECS shall treat all students equitably in the receipt of all school services, including, but, not limited to, the gathering of student and family information for the free and reduced lunch program, transportation and educational instruction.

5) SHARING STUDENT AND FAMILY INFORMATION

- a. ECS shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status if the disclosure is not authorized by Family Educational Rights and Privacy Act (FERPA).
- b. ECS personnel shall take the following action steps upon receiving an information request related to a student's or family's immigration or citizenship status:
 - i. Notify a designated ECS official about the information request.
 - ii. Provide students and families with appropriate notice and a description of the immigration officer's request.



- iii. Document any verbal or written request for information by immigration authorities.
- iv. Unless prohibited, provide students and parents/guardians with any documents issued by the immigration-enforcement officer.
- c. Except for investigations of child abuse, child neglect, or child dependency, or when the subpoena served on the local educational agency prohibits disclosure, ECS shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
- d. ECS shall require written parental or guardian consent for release of student information, unless the information is relevant for a legitimate educational interest or includes directory information only. Neither exception permits disclosing information to immigration authorities for immigration-enforcement purposes; no student information shall be disclosed to immigration authorities for immigration-enforcement purposes without a court order or judicial subpoena.
- e. ECS' request for written or parental or guardian consent for release of student information must include the following information: (1) the signature and date of the parent, guardian, or eligible student providing consent; (2) a description of the records to be disclosed; (3) the reason for release of information; (4) the parties or class of parties receiving the information; and (5) if requested by the parents, guardians or eligible student, a copy of the records to be released. ECS shall permanently keep the consent notice with the record file.
- f. The parent, guardian, or eligible student is not required to sign the consent form. If the parent, guardian or eligible student refuses to provide written consent for the release of student information that this not otherwise subject to release, ECS shall not release the information.

6) ANNUAL INFORMATION NOTICE TO PARENTS AND GUARDIANS

General Information Policy

- a. ECS must provide an annual notice to parents and guardians of the school's general information policies that includes:
 - i. Assurances that ECS will not release information to third parties for immigration-enforcement purposes, except as required by law or court order.
 - ii. A description of the types of student records maintained by ECS.
 - iii. A list of the circumstances or conditions under which ECS might release student information to outside people or entities.
 - iv. A statement that, unless ECS is providing information for a legitimate educational purpose under FERPA and the California Education Code or directory information, ECS shall notify parents or guardians and eligible students—and receive their written consent—before it releases a student's personally identifiable information.

Directory Information Policy



- a. If ECS decides to release directory information, ECS shall provide an annual notice to parents and guardians, and “eligible students” in attendance, of ECS’ directory information policy that includes:
 - i. The categories of information that ECS has classified as public directory information that may be disclosed without parental consent and which should only include the information specifically identified in Education Code section 49061, subdivision (c).
 - ii. A statement that directory information does not include citizenship status, immigration status, place of birth, or any other information indicating national origin (except where ECS receives consent as required under state law).
 - iii. The recipients of the directory information.
 - iv. A description of the parent’s or guardian’s abilities to refuse release of the student’s directory information, and how to refuse release.
 - v. The deadline in which the parent, guardian or student must notify the school in writing that he or she does not want the information designated as directory information.

7) MONITORING AND RECEIVING VISITORS ONTO CAMPUS

- a. No outsider—which would include immigration-enforcement officers—shall enter or remain on school grounds of ECS during school hours without having registered with the principal or designee. If there are no exigent circumstances necessitating immediate action, and if the immigration officer does not possess a judicial warrant or court order that provides a basis for the visit, the officer must provide the following information to the principal or designee:
 - i. Name, address, occupation;
 - ii. Age, if less than 21;
 - iii. Purpose in entering school grounds;
 - iv. Proof of identity; and
 - v. Any other information as required by law.
- b. ECS shall adopt measures for responding to outsiders that avoids classroom interruptions, and preserves the peaceful conduct of the school’s activities, consistent with local circumstances and practices.
- c. ECS shall post signs at the entrance of its school grounds to notify outsiders of the hours and requirements for registration.
- d. ECS personnel shall report entry by immigration-enforcement officers to any on-site school police or other appropriate administrator as would be required for any unexpected or unscheduled outside visitor coming on campus.

8) RESPONDING TO ON-CAMPUS IMMIGRATION ENFORCEMENT



- a. As early as possible, ECS personnel shall notify the Chief Executive Officer of any request by an immigration-enforcement officer for school or student access, or any requests for review of school documents (including for the services of lawful subpoenas, petitions, complaints, warrants, etc.).
- b. In addition to notifying the Chief Executive Officer, ECS personnel shall take the following action steps in response to an officer present on the school campus specifically for immigration-enforcement purposes:
 1. Advise the officer that before proceeding with his or her request, and absent exigent circumstances, school personnel must first receive notification and direction from the Chief Executive Officer.
 2. Ask to see, and make a copy of or note, the officer's credentials (name and badge number). Also ask for and copy or note the phone number of the officer's supervisor.
 3. Ask the officer for his/her reason for being on school grounds and document it.
 4. Ask the officer to produce any documentation that authorizes school access.
 5. Make a copy of all documents provided by the officer. Retain one copy of the documents for school records.
 6. If the officer declares that exigent circumstances exist and demands immediate access to the campus, ECS personnel should comply with the officer's orders and immediately contact the Chief Executive Officer.
 7. If the officer does not declare that exigent circumstances exist, respond according to the requirements of the officer's documentation. If the immigration-enforcement officer has:
 - **an ICE (Immigrations and Customs Enforcement) administrative warrant**, ECS personnel shall inform the agent that he or she cannot consent to any request without first consulting with the Chief Executive Officer.
 - **a federal judicial warrant (search-and-seizure warrant or arrest warrant)**, prompt compliance with such a warrant is usually legally required. If feasible, consult with the Chief Executive Officer before providing the agent access to the person or materials specified in the warrant.
 - **a subpoena for production of documents or other evidence**, immediate compliance is not required. Therefore, ECS personnel shall inform the Chief Executive Officer of the subpoena, and await further instructions on how to proceed.
 8. While ECS personnel should not consent to access by an immigration-enforcement officer, except as described above, he/she should not attempt to physically impede the officer, even if the officer appears to be exceeding the authorization given under a warrant or other document. If an officer enters the premises without consent, ECS personnel shall document his or her actions while on campus.



9. After the encounter with the officer, ECS personnel shall promptly take written notes of all interactions with the officer. The notes shall include the following items:
 - List or copy of the officer's credentials and contact information;
 - Identity of all school personnel who communicated with the officer;
 - Details of the officer's request;
 - Whether the officer presented a warrant or subpoena to accompany his/her request, what was requested in the warrant/subpoena, and whether the warrant/subpoena was signed by a judge;
 - ECS personnel's response to the officer's request;
 - Any further action taken by the agent; and
 - Photo or copy of any documents presented by the agent.
10. ECS personnel shall provide a copy of those notes, and associated documents collected from the officer, to the Chief Executive Officer.
11. In turn, the Chief Executive Officer shall submit a timely report to ECS' governing board regarding the officer's requests and actions and ECS' response(s).
12. E-mail the **Bureau of Children's Justice** in the **California Department of Justice**, at **BCJ@doj.ca.gov**, regarding any attempt by a law-enforcement officer to access a school site or a student for immigration-enforcement purposes.

9) PARENTAL NOTIFICATION OF IMMIGRATION-ENFORCEMENT ACTIONS

- a. ECS personnel must receive consent from the student's parent or guardian before a student can be interviewed or searched by any officer seeking to enforce the civil immigration laws at the school, unless the officer presents a valid, effective warrant signed by a judge, or presents a valid, effective court order.
- b. ECS personnel shall immediately notify the student's parents or guardians if a law-enforcement officer requests or gains access to a student for immigration-enforcement purposes, unless such access was in compliance with a judicial warrant or subpoena that restricts the disclosure of the information to the parent or guardian.

10) RESPONDING TO THE DETENTION OR DEPORTATION OF A STUDENT'S FAMILY MEMBER

- a. ECS shall encourage that families and students have and know their emergency phone numbers and know where to find important documentation, including birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc., which will allow them to be prepared in the event that a family member is detained or deported.



- b. ECS shall permit students and families to update students' emergency contact information as needed throughout the school year, and provide alternative contacts if no parent or guardian is available.
 - i. ECS shall ensure that families may include the information of an identified trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained.
 - ii. ECS shall communicate to families that information provided within the emergency cards will only be used in response to specified emergency situations, and not for any other purpose.
- c. In the event a student's parent/guardian has been detained or deported by federal immigration authorities, ECS shall use the student's emergency card contact information and release the student to the person(s) designated as emergency contacts. Alternatively, ECS shall release the student into the custody of any individual who presents a Caregiver's Authorization Affidavit on behalf of the student. ECS shall only contact Child Protective Services if ECS personnel are unsuccessful in arranging for the timely care of the child through the emergency contact information that the school has, a Caregiver's Authorization Affidavit, or other information or instructions conveyed by the parent or guardian.

11) RESPONDING TO HATE CRIMES AND BULLYING

Adopting and Publicizing Anti-Bullying and Anti-Harassment Policy

- a. ECS shall adopt and publicize policies that prohibit discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Those policies must be translated in the student's primary language if at least 15 percent of the students enrolled in the school speak a single primary language other than English.
- b. ECS shall notify parents and guardians of their children's right to a free public education, regardless of immigration status or religious beliefs.
 - i. This information shall include information related to the "Know Your Rights" immigration enforcement established by the Attorney General (see Appendix G).
 - ii. ECS shall inform students who are victims of hate crimes of their right to report such crimes.

Processing Complaints of Harassment and Bullying

- a. ECS shall adopt a process for receiving complaints of and investigating complaints of discrimination, harassment, intimidation, and bullying based on any of the following actual or perceived characteristics:
 - i. disability
 - ii. gender
 - iii. gender identity
 - iv. gender expression



- v. nationality
 - vi. race or ethnicity
 - vii. religion
 - viii. sexual orientation
 - ix. association with a person or group with one or more of the aforementioned characteristics
 - x. immigration status
- b. The complaint process must include, but is not limited to, the following steps:
- i. A requirement that, if school personnel witness an act of discrimination, harassment, intimidation, or bullying, they shall take immediate steps to intervene when safe to do so;
 - ii. A timeline to investigate and resolve complaints of discrimination, harassment, intimidation, or bullying that shall be followed by all schools under the jurisdiction of the local educational agency; and
 - iii. An appeal process afforded to the complainant should he or she disagree with the resolution of a complaint.
 - iv. ECS shall ensure that complaint procedures contain confidentiality safeguards for immigration status information.
 - v. ECS shall prohibit retaliation against a person who submits a complaint of discrimination, harassment, intimidation, or bullying.

Training Students, Teachers, and Staff on Anti-Bullying and Anti-Harassment Policy

- a. ECS shall educate students about the negative impact of bullying other students based on their actual or perceived immigration status or their religious beliefs or customs.
- b. ECS shall also train teachers, staff, and personnel to ensure that they are aware of their legal duty to take reasonable steps to eliminate a hostile environment and respond to any incidents of harassment based on the actual or perceived characteristics noted above. Such training should, at minimum, provide agency personnel with the skills to do the following:
 - i. Discuss the varying immigration experiences among members of the student body and school community;
 - ii. Discuss bullying-prevention strategies with students, and teach students to recognize the behavior and characteristics of bullying perpetrators and victims;
 - iii. Identify the signs of bullying or harassing behavior;
 - iv. Take immediate corrective action when bullying is observed; and



- v. Report incidents to the appropriate authorities, including law enforcement in instances of criminal behavior.