



**Environmental Charter Schools  
("ECS")**

**STUDENT AND FAMILY PRIVACY RIGHTS POLICY**

*Adopted: April 20, 2026 | Supersedes: Policy Adopted May 31, 2018*

*Authority: Ed. Code § 234.7 (as amended by AB 49, AB 419, AB 495, SB 98); FERPA; Plyler v. Doe*

**1) INTRODUCTION AND PURPOSE**

- a. This policy of the Board of Directors of Environmental Charter Schools ("Board") sets forth ECS's policies governing student and family privacy rights in connection with immigration-related matters. The ECS Governance Committee ("Committee") is responsible for recommending policies and processes for effective governance at ECS.
- b. This policy is adopted in compliance with California Education Code section 234.7 as amended by Assembly Bill (AB) 49, AB 419, AB 495, and Senate Bill (SB) 98 (all effective 2025–2026), and consistent with the California Attorney General's December 2025 Guidance and Model Policies for TK–12 Schools ("AG Model Policies"). It supersedes and replaces in its entirety the ECS Student and Family Privacy Rights Policy adopted May 31, 2018.
- c. The Committee will review this policy annually, or more frequently as required by law. Any changes 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 in 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, national origin, or immigration status.

**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 documentation or information available to persons regardless of immigration status, citizenship status, or national origin, and that do not reveal information related to citizenship or immigration status. ECS shall note the method of age verification but is not required to maintain a copy of the document used to show age.
- 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 policy, ECS's procedures and forms shall describe to the applicant, and accommodate, all alternatives specified in law and all alternatives authorized under this policy.

#### **4) INQUIRIES ABOUT SOCIAL SECURITY NUMBERS OR CARDS**

- a. ECS shall not solicit or collect entire Social Security numbers or cards from students or their parents or guardians.
- 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-price lunch program, transportation, and educational instruction.

#### **5) SHARING STUDENT, FAMILY, AND EMPLOYEE INFORMATION**

##### *Prohibition on Disclosure to Immigration Enforcement*

- a. Consistent with Education Code section 234.7 as amended by AB 495, ECS and its personnel shall not disclose or provide, in writing, verbally, or in any other manner, and to the extent practicable, any of the following information to an officer or employee of any agency conducting immigration enforcement, unless that officer or employee first presents a valid judicial warrant, judicial subpoena, or court order:
  - i. Education records of or any information about a pupil or a pupil's family and household, including personal information as defined by Civil Code section 1798.3 (e.g., name, Social Security number, home address, home telephone number, financial matters, medical or employment history);
  - ii. Information about a pupil's home or travel schedule;
  - iii. Any information about a school employee or teacher, including personal information as defined by Civil Code section 1798.3.

- b. This prohibition applies to all ECS personnel and to every program operated by ECS.
- c. When presented with any such request, ECS personnel are not obligated to immediately produce records or information. Personnel should accept the request, ask for valid identification, document the officer's contact information and agency, and immediately notify the Chief Executive Officer and consult legal counsel.

*General Sharing Restrictions*

- d. ECS shall avoid the disclosure of information that might indicate a student's or family's citizenship or immigration status where such disclosure is not authorized by FERPA.
- e. Except for investigations of child abuse, child neglect, or child dependency, or when a subpoena prohibits disclosure, ECS shall provide parental or guardian notification of any court orders, warrants, or subpoenas before responding to such requests.
- f. 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.
- g. ECS's request for written parental or guardian consent for release of student information must include: (1) the signature and date of the parent, guardian, or eligible student; (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, a copy of the records to be released. ECS shall permanently keep the consent notice with the record file.
- h. If the parent, guardian, or eligible student refuses to provide written consent for the release of student information 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 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 circumstances or conditions under which ECS might release student information to outside parties;
  - iv. A statement that ECS shall notify parents or guardians and eligible students and receive their written consent before releasing a student's personally identifiable information, except as permitted by FERPA and the California Education Code;
  - v. Information relating to the California Attorney General's "Know Your Educational Rights" guide and student rights related to free public education regardless of immigration status.
- b. If ECS decides to release directory information, ECS shall provide an annual notice that includes: (i) categories of directory information; (ii) a statement that directory information does not include

citizenship status, immigration status, place of birth, or any other information indicating national origin; (iii) the recipients of directory information; and (iv) the parent's right and deadline to refuse release of directory information.

## **7) KNOW YOUR EDUCATIONAL RIGHTS**

- a. Consistent with Education Code section 234.7 as amended by AB 495, ECS shall obtain, adopt, and post the California Attorney General's "Know Your Educational Rights" checklist for students and families.
- b. The checklist shall be posted in every language provided by the Attorney General at ECS's administrative offices and on the internet sites of ECS and each ECS schoolsite.
- c. ECS shall update posted materials no later than the school year following any updates published by the Attorney General.

## **8) ACCESS TO ECS SCHOOLSITES BY IMMIGRATION ENFORCEMENT**

### *Prohibition on Access to Nonpublic Areas*

- a. Consistent with Education Code section 234.7 as amended by AB 495, ECS school officials and employees shall not allow an officer or employee of any agency conducting immigration enforcement to enter a nonpublic area of any ECS schoolsite for any purpose unless the person seeking entry presents a valid judicial warrant, judicial subpoena, or court order. School officials must, if practicable, request valid identification from any such officer or employee seeking to enter a nonpublic area.
- b. This provision does not limit ECS's right to consult with legal counsel or to challenge the validity of any warrant, subpoena, or court order in a court of competent jurisdiction.

### *General Campus Visitor Requirements*

- c. No outsider—including immigration enforcement officers—shall enter or remain on ECS school grounds during school hours without having registered with the principal or designee. If there are no exigent circumstances and the officer does not possess a judicial warrant or court order, the officer must provide to the principal or designee: (i) name, address, and occupation; (ii) age, if less than 21; (iii) purpose in entering school grounds; (iv) proof of identity; and (v) any other information required by law.
- d. ECS shall adopt measures for responding to outsiders that avoid classroom interruptions and preserve the peaceful conduct of school activities.
- e. ECS shall post signs at the entrance of each schoolsite notifying outsiders of the hours and requirements for registration.

## **9) 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 request to review school documents.
- b. In addition to notifying the Chief Executive Officer, ECS personnel shall take the following steps in response to an immigration enforcement officer present on campus:

1. Advise the officer that, absent exigent circumstances, school personnel must first receive notification and direction from the Chief Executive Officer before proceeding.
2. Ask to see and copy or note the officer's credentials (name and badge number) and the phone number of the officer's supervisor.
3. Ask the officer for the reason for being on school grounds and document it.
4. Ask the officer to produce any documentation authorizing school access.
5. Make a copy of all documents provided by the officer; retain one copy for school records.
6. If the officer declares exigent circumstances and demands immediate access, comply with the officer's orders and immediately contact the Chief Executive Officer.
7. If no exigent circumstances are declared, respond according to the type of documentation presented: (a) ICE administrative warrant: inform the officer ECS cannot consent to any request without consulting the Chief Executive Officer; (b) Federal judicial warrant (search-and-seizure or arrest warrant): prompt compliance is generally legally required—consult the Chief Executive Officer if feasible before providing access; (c) Subpoena for documents or other evidence: immediate compliance is not required; notify the Chief Executive Officer and await instructions.
8. While ECS personnel should not consent to access by an immigration enforcement officer except as described above, they shall not attempt to physically impede the officer. If an officer enters without consent, document the officer's actions.
9. After the encounter, promptly take written notes of all interactions, including: officer's credentials and contact information; identity of all ECS personnel who communicated with the officer; details of the request; whether a warrant or subpoena was presented and whether it was signed by a judge; ECS's response; any further action by the officer; and copies of any documents presented by the officer.
10. Provide a copy of all notes and documents to the Chief Executive Officer.
11. The Chief Executive Officer shall submit a timely report to the ECS Board regarding the officer's requests, actions, and ECS's responses.
12. Notify the Bureau of Children's Justice in the California Department of Justice at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov) regarding any attempt by an immigration enforcement officer to access any ECS schoolsite or student for immigration enforcement purposes.

#### **10) PARENTAL NOTIFICATION OF IMMIGRATION-ENFORCEMENT ACTIONS**

- a. ECS personnel must receive consent from the student's parent or guardian before a student may be interviewed or searched by any officer seeking to enforce civil immigration laws at school, unless the officer presents a valid, effective warrant signed by a judge or a valid 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 disclosure to the parent or guardian.

#### **11) COMPREHENSIVE SCHOOL SAFETY PLANS**

- a. Consistent with Education Code section 32282 as amended by SB 98, each ECS school's Comprehensive School Safety Plan shall include procedures specifically designed to notify parents and guardians of students, teachers, administrators, and school personnel when the school confirms the presence of immigration enforcement on the schoolsite. The content and timing of notification shall consider the safety and well-being of pupils, employees, and community members.

## **12) RESPONDING TO DETENTION OR DEPORTATION OF A STUDENT'S FAMILY MEMBER**

- a. ECS shall encourage families and students to have and know their emergency phone numbers and know where to find important documentation (birth certificates, passports, Social Security cards, doctors' contact information, medication lists, lists of allergies, etc.) in the event a family member is detained or deported.
- b. ECS shall permit students and families to update emergency contact information throughout the school year and provide alternative contacts if no parent or guardian is available. ECS shall ensure families may include a trusted adult guardian as a secondary emergency contact in case a student's parent or guardian is detained. ECS shall communicate that emergency card information will only be used for emergency situations.
- c. In the event a student's parent or guardian is detained or deported, ECS shall use the student's emergency card to release the student to designated emergency contacts, or to any individual presenting a valid Caregiver's Authorization Affidavit. ECS shall contact Child Protective Services only if it is unable to arrange timely care through other means.
- d. Consistent with AB 495, ECS shall provide families with information relating to the Caregiver's Authorization Affidavit in Family Code section 6552 and the importance of providing and regularly updating emergency contact information.

## **13) RESPONDING TO HATE CRIMES AND BULLYING**

- a. ECS shall adopt and publicize policies prohibiting discrimination, harassment, intimidation, and bullying on the basis of a student's actual or perceived nationality, ethnicity, or immigration status. Such policies must be translated into a student's primary language if at least 15 percent of enrolled students speak that 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. This information shall include the California Attorney General's "Know Your Rights" immigration enforcement information and shall inform students who are victims of hate crimes of their right to report such crimes.
- c. ECS shall adopt a process for receiving and investigating complaints of discrimination, harassment, intimidation, and bullying based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation, immigration status, or association with a person with one or more of the aforementioned characteristics. The complaint process shall include: (i) immediate intervention by personnel who witness such acts; (ii) timelines for investigation and resolution; (iii) an appeal process; (iv) confidentiality safeguards for immigration status information; and (v) prohibition on retaliation.
- d. ECS shall educate students about the negative impact of bullying based on actual or perceived immigration status or religious beliefs.

- e. ECS shall train teachers, staff, and personnel on their legal duty to take reasonable steps to eliminate hostile environments and respond to harassment incidents, including skills to discuss immigration experiences, identify and address bullying, and report incidents to appropriate authorities.

#### **14) MONITORING AND COMPLIANCE**

- a. ECS and each of its schoolsites may be subject to monitoring and auditing by the California Department of Education to ensure policies are in compliance with Education Code section 234.7.
- b. ECS shall maintain this policy and make it available to the California Department of Education upon request.
- c. If you have reason to believe that a school is not following this policy, you may contact the Bureau of Children's Justice in the California Department of Justice at [BCJ@doj.ca.gov](mailto:BCJ@doj.ca.gov) or at <https://oag.ca.gov/bcj/complaint>.

#### **15) POLICY REVIEW**

- a. The Committee shall review this policy at least annually to ensure continued compliance with federal and state law and the California Attorney General's guidance. Any amendments must be approved by the Board of Directors of ECS.