

Adopted: 3-18-2025

TRIO Wolf Creek Distance Learning Charter School #4095

Procedure 519.1

Third Party Student Interview Requests by Government Agencies (ICE, etc).

If an ICE/federal agent comes onto school property, the general plan shall be:

1. Follow the Visitor Policy that we have in place ([903: Visitors to Charter School Buildings and Sites](#)). Get valid identification and have the agent identify the reason for the visit.
2. Refer the agent to the Executive Director immediately.
3. Be aware that you should **not** confirm that a particular person is, in fact, a student at the school, or whether a particular student is at school that day, etc.
4. Depending on what the request is, the Executive Director will connect with the school's attorney before providing any information, if possible.
 - a. Christian Shafer, Ratwik Law, 612-532-2637

If the agent wants to interview or arrest the student (anyone):

- In general, follow [Policy 519: Interviews of Students by Outside Agencies](#).
- Ask to see a warrant or subpoena (make copies of any paperwork produced by the agent)
 - If it's a Child Protective Services case, still refer to Policy 519.
- If they have no warrant or subpoena you can either: (1) try to contact the parents (NOT in front of an agent-move to a different space) to inform them of the request and seek permission from them (in accordance with Policy 519) or simply decline.
- If they do have a warrant, you will need to determine whether it is a judicial warrant or an administrative warrant.
 - A judicial/court-ordered warrant will be signed by a judge and will likely have a "US District Court" caption on the top.
 - An administrative warrant is issued by an agency, and not a judge/court. It will likely have a "US Department of Homeland Security" or some other agency logo on it and be signed by "an immigration officer" or something of the sort.
- If they have a judicial/court-ordered warrant, follow it. Unless the warrant specifically restricts the disclosure of the information to the parent, you should still try to contact the parent so that they can try to object to the interview/arrest or participate in it.

- If they have only an administrative warrant, an ICE warrant does not grant the agent any special power to compel a school to cooperate. It also doesn't authorize access to non-public areas of the school grounds. If it is an ICE/administrative warrant for *arrest*, it should only be executed on public property. Thus, the school would be within our rights to require them to enforce it away from school grounds.
 - In any event, you would immediately try to contact the parents to notify them and give them an opportunity to take action.
- You should not physically interfere with or obstruct an ICE agent in the performance of his/her duties, but you are also not required to assist with the apprehension of a person identified in an administrative warrant or to consent to ICE agents searching school facilities.

With regard to school records:

[Policy 515: Protection and Privacy of Student Records](#) (III, D, 2), it states that a student's home address, phone number and email address are not part of the directory.

In general, you are prohibited from releasing student records without first receiving the permission from the parent (or student over 18). Thus, unless an exception applies, if ICE requests a student's records, you can decline. There are some exceptions, including the following:

1. Directory information. You MAY share directory information without first obtaining parental consent, but you are not REQUIRED to do so. Thus, you are not compelled to release that information.
2. Pursuant to a subpoena or court order. Again, your path may be determined by which type of subpoena you receive. If it is a judicial/court-ordered subpoena, you will likely need to comply. You should still use reasonable efforts to notify the parents about the subpoena and what is being requested, before you turn over the information (unless the subpoena includes language that prohibits you from such disclosure or unless the request relates to the health and safety of the student or others). If you are served with an administrative subpoena (from the agency and not signed by a judge), that may not carry the same weight. You would still give notice to the parents and seek their consent or give them time to challenge the administrative subpoena. This will likely be decided on a case-by-case basis.

With regard to the situation where the parents are detained and the children left at the school:

- We need to ensure that students records/contacts are up to date, including several emergency contacts
- If all contacts are exhausted, and a child is still at school by 3:30 pm, Chisago County Human Services would be contacted: between 8:00am and 4:30 call 651-213-5600; any other time call 911.

Schools are no longer designated at a protected space, as of approx 1/21/25-

<https://www.npr.org/2025/01/21/nx-s1-5269899/trump-immigration-enforcement-schools-churches>

JUDICIAL SUBPOENAS v. IMMIGRATION SUBPOENAS

UNITED STATES DISTRICT COURT

Plaintiff _____)
 v. _____) Civil Action No. _____
 Defendant _____)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: _____
(Name of person to whom this subpoena is directed)

1. **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: _____ Date and Time: _____

2. **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample real property or any designated object or operation on it:

Place: _____ Date and Time: _____

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT _____ OR
Signature of Clerk or Deputy Clerk _____ Attorney's signature _____

The issuer, address, e-mail address, and telephone number of the attorney representing name of party _____, who issues or requests this subpoena, are _____

Is it signed by a clerk of court? _____

person who issues or requests this subpoena of documents, electronically stored information, or tangible things or the and a copy of the subpoena must be served on each party in this case before Fed. R. Civ. P. 45(a)(4).

DEPARTMENT OF HOMELAND SECURITY

IMMIGRATION ENFORCEMENT SUBPOENA

to Appear and/or Produce Records
 8 U.S.C. § 1226(d), 8 C.F.R. § 287.4

1. To (Name, Address, City, State, Zip Code)
 Manager: [redacted]@redacted.org
 [redacted]
 Oakland, California 94601

2. In Reference To
 Immigration Filing on behalf of [redacted] (File Number: # [redacted])

By the service of this subpoena upon you, YOU ARE HEREBY SUMMONED AND REQUIRED TO:

(A) APPEAR before the U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), or U.S. Citizenship and Immigration Services (USCIS) Official named in Block 3 at the place, date, and time specified, to testify and give information relating to the matter indicated in Block 2.

(B) PRODUCE the records (books, papers, or other documents) indicated in Block 4, to the CBP, ICE, or USCIS Official named in Block 3 at the place, date, and time specified.

Your testimony and/or production of the indicated records is required in connection with an investigation or inquiry relating to the enforcement of U.S. immigration laws. Failure to comply with this subpoena may subject you to an order of contempt by a Federal District Court, as provided by 8 U.S.C. § 1225(d)(4)(B).

3. (A) CBP, ICE, or USCIS Official before whom you are required to appear: _____ (B) Date: 04/28/2017
 Title: Immigration Officer
 Address: USCIS 630 Sansome Street, Rm. 1220 San Francisco, California 94111 (C) Time: 0900 a.m. p.m.
 Telephone Number: 415-248-8619

4. Records required to be produced for inspection:
 Please provide a copy of the lease for _____ Street, _____ in Oakland, California. The lease should include the name of the current occupants. If there are no current occupants, please provide a copy of the lease for the previous occupants.

6. Authorized Official

 Signature

 Printed Name: Supervisory Immigration Officer
 Date: 04/18/2017
 Title: _____

If you have any questions regarding this subpoena, contact the CBP, ICE, or USCIS Official identified in Block 3.

DHS Form I-138 (5/09)

THESE ARE VISUAL CUES THAT THIS IS AN IMMIGRATION SUBPOENA

IF THE ANSWER TO THESE IS YES, THEN IT IS LIKELY A VALID JUDICIAL SUBPOENA

EXAMPLE OF A VALID SUBPOENA

- A valid judicial subpoena requires:
 - Judge or Federal Court clerk's signature.
 - The target of the subpoena (in this case FERPA information).
 - The address of the target of the subpoena (the school).
- Administrative subpoenas are **not** valid judicial warrants. (e.g., "Immigration Enforcement subpoena").

ACLU Minnesota

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT
for the

Plaintiff)
v.) Civil Action No.
Defendant)

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: _____
(Name of person to whom this subpoena is directed)

Production of Documents, Information, or Objects: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Place: _____	Date and Time: _____
--------------	----------------------

Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place: _____	Date and Time: _____
--------------	----------------------

The following provisions of Fed. R. Civ. P. 45(b) are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subpoenaed; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of failing to do so.

Date: _____

CLERK OF COURT OR _____
Signature of Clerk or Deputy Clerk Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) _____, who issues or requests this subpoena, are: _____

Notice to the person who issues or requests this subpoena
If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).