Le Monde French Immersion Public Charter School
Policy in Compliance with SB 1538 and HB 4079
Effective 9/1/26

Purpose:

The purpose of this policy is to provide employees with guidance regarding their responsibilities when interacting with federal immigration authorities engaged in enforcement at Le Monde French Immersion Public Charter School (the School). Federal immigration authorities include agents of the Enforcement and Removal Operations section of US Immigration and Customs Enforcement (ICE) and agents of any other federal agency with the authority to detect, investigate, or enforce violations of immigration law.

Who Should Understand This Policy:

All employees of the School.

Policy Summary:

The School complies with state and federal law when responding to requests from federal immigration authorities regarding immigration enforcement. To maintain a coordinated, consistent, and lawful response to federal immigration enforcement activities, the School's Executive Director (Executive Director) will serve as the primary point of contact for coordinating interactions with federal immigration authorities engaged in enforcement activities at or near the School. Absent a judicially authorized warrant or court order, employees must not allow federal immigration authorities access to the School's records or facilities not open to the public for the purposes of immigration enforcement and must verify the validity of any warrant or court order involving immigration enforcement presented to them by federal immigration authorities to ensure it is judicially authorized. The Appendices attached to this policy provide examples of judicial and administrative warrants and subpoenas. The School's Board President (Board President) must review and approve any response to a request involving immigration enforcement. The School will provide ongoing training to employees to ensure compliance with this policy.

Policy:

Section 1. Designation of Primary Point of Contact.

The School's Executive Director is the primary point of contact for coordinating interactions with federal immigration authorities occurring at the School. The School's Director of Student Support (Director of Student Support) shall serve as an alternative point of contact during Executive Director's absence or unavailability.

Executive Director's (or in the Executive Director's absence, the Director of Student Support's) responsibilities include:

(1) Serving as the School's representative during encounters with federal immigration authorities;

(2) Ensuring federal immigration authorities engaging in enforcement activities at the School have notice of relevant school policies;

(3) Assisting employees in performing their duties in response to immigration enforcement efforts, including ensuring compliance with all the School's policies related to interactions with federal immigration authorities and immigration enforcement efforts;

(4) Reviewing and responding to requests from federal immigration authorities, in coordination with, and under the direction of, the School's Board President; and

(5) Facilitating the School's compliance with lawful immigration enforcement efforts in a manner that does not unnecessarily disrupt the school environment or invade the privacy of students, employees, or volunteers.

Section 2. Confidentiality of School Records

A. Disclosure of Protected Information for Immigration Enforcement is Prohibited

Except when required by a judicially authorized warrant, subpoena, or order, Oregon law prohibits the School from disclosing protected information to federal immigration authorities for the purpose of enforcing federal immigration laws. Protected information includes information relating to a person's:

- Address;
- Workplace or hours of work;
- School or school hours;
- Contact information, including telephone number, electronic mail address or social media account information;
- Known associates or relatives; and
- Date, time or location of the person's hearings, proceedings or appointments with a public body that are not matters of public record.

Oregon law also prohibits sharing any of the above information about a person's relatives or known associates with federal authorities for immigration enforcement purposes.

B. Disclosure of Citizenship or Immigration Status or Country of Birth Information is Prohibited

Oregon law generally prohibits the School from sharing or disclosing citizenship or immigration status or country of birth information that the School collects, unless one of the following exceptions applies:

- The disclosure is required by state or federal law (other than federal immigration law).
- The disclosure is required by a judicially authorized warrant, order, or subpoena.
- The information being shared with a person concerns only that person or their dependents.
- The information is aggregated and not personally identifiable.

Citizenship or immigration status or country of birth information is any information concerning:

- Where a person was born; or
- Whether a person is a citizen of the United States; or
- Whether a person has lawful authority to be present in the United States.

C. Duty to Maintain Confidentiality of Records

In addition to the prohibitions described above, federal and state laws make records and information related to students confidential and permit disclosure only in limited circumstances. The School's policy with respect to student records can be found in the attached Appendix F. To ensure compliance with applicable federal and state law, the School's employees shall not disclose any school records or information to federal immigration authorities except as provided in the School's policies.

Employees must also maintain the confidentiality of school records and other information about students, employees, and volunteers when communicating with other students, parents, or community members about immigration enforcement activities involving students, employees, or volunteers of the School or occurring at the School. Employees should direct anyone with questions about immigration enforcement activities occurring at the School to Executive Director.

Section 3. Interactions with Immigration Enforcement.

School employees shall adhere to all Le Monde policies when interacting with federal immigration authorities.

Unless expressly authorized by Executive Director, employees shall not:

(1) Provide federal immigration authorities with records or information about students, employees, or volunteers;

(2) Confirm whether a student, employee, or volunteer is present or make the student, employee, or volunteer available;

(3) Allow access to non-public areas of the School's facilities or property;

(4) Sign documents presented by federal immigration authorities; or

(5) Give consent to any immigration enforcement action.

Employees may not interfere with lawful immigration enforcement actions or physically obstruct federal immigration authorities in any manner. However, employees should immediately report to Executive Director if they observe any conduct or enforcement activities by federal immigration authorities that violate state or federal law, or the School's policies, or that otherwise present a security threat or potential danger to students, employees, volunteers, or visitors.

Employees who receive a request related to immigration enforcement must immediately notify Executive Director. Executive Director is responsible for interacting with the federal immigration authorities until the matter is concluded or the federal immigration authorities have been referred to the School's Board President.

Executive Director, or if Executive Director is not immediately available, School's Director of Student Support should meet the federal immigration authorities at the school door or other area they may designate for the purpose of meeting.

Executive Director shall provide federal immigration authorities with a copy of this policy and explain that school employees are required to follow these steps in this policy. Executive Director should inform the immigration authorities that school employees must contact the School's Board President for guidance before providing access to school facilities, records, or other information.

Executive Director should direct an assistant to contact the Board President while Executive Director remains with the federal immigration authorities.

Executive Director must document the request from federal immigration authorities to the fullest extent possible under the circumstances. At a minimum, the documentation shall include the following information, if available:

(1) The name, badge number, and agency of the law enforcement officer making the request;

(2) The number of officers present;

(3) Time, date, and location of the request;

(4) The nature of the request;

(5) The source of authority for the request, including whether the request is administratively or judicially authorized;

(6) Whether the request requires an immediate response;

(7) The identification of witnesses present; and

(8) How the encounter concluded.

Executive Director shall direct an assistant to transmit copies, photos, or other documentation provided by federal immigration authorities to the Board President, along with other information documented pursuant to this policy. The Board President must approve any response to a law enforcement request related to immigration enforcement as provided in Section 5 of this policy.

Section 4. Determination of Validity of Judicial Warrant or Order.

If presented with a warrant or order by federal immigration authorities, Executive Director shall verify the validity of the warrant or order by determining whether the warrant or order is judicially authorized. An administrative warrant or other legal process that has not been authorized by a judicial officer does not authorize the School to provide law enforcement with access to records or information, or facilities for purposes of immigration enforcement. A judicially authorized warrant or order contains the following key features:

(1) A caption, near the top of the document, identifying the court that issued the order (typically the federal district court for the District of Oregon);
(2) A signature block, near the end of the document, including the name of the person who signed the order, and identifying that individual as a judge, magistrate, clerk of court, or other person signing on behalf of a judge or magistrate, and the date of the signature; and
(3) An indication that the warrant or order has not expired.

Examples of warrants and subpoenas are available in the Appendices attached.

Executive Director shall notify the Board President of the warrant or order and whether the

warrant or order appears on its face to be judicially authorized. Executive Director should request a copy of the warrant or order and transmit a copy of the warrant or order for review by the Board President or legal counsel.

The Board President shall make the final determination regarding the validity of any warrant or court order and whether, and to what extent, federal immigration authorities will have access to the School's records or information, or facilities as provided in Section 5 of this policy. If the Board President is uncertain as to the validity or scope of the warrant or order, the Board President should immediately consult legal counsel or a statewide or regional education organization.

Section 5. Approval of Response by Board President.

Executive Director shall notify the Board President of a request related to immigration enforcement prior to responding to the request. The Board President will only honor requests from immigration enforcement officers or other agencies enforcing federal immigration laws if the request is judicially authorized. If the Board President is uncertain as to the lawfulness or scope of the request, the Board President should immediately consult legal counsel or a statewide or regional education organization prior to approving a response.

If Board President determines that a response is not authorized by a judicial subpoena issued as part of a court proceeding or by another compulsory court-issued legal process, such as a warrant, the Board President shall direct Executive Director to decline the request. Upon direction of the Board President, Executive Director shall decline the request, refer the federal immigration enforcement authorities to Board President, and request that they leave the premises. Executive Director shall ensure that the information documented pursuant to this policy is submitted to the Oregon Criminal Justice Commission as provided in ORS 181A.826.

If the request is accompanied by a subpoena, warrant, or order that appears on its face to be judicially authorized, Board President must review and approve the Executive Director of the School's response to the request. The superintendent or superintendent's designee shall ensure that the School's response provides no greater access to records or information, or facilities, than that required by the subpoena, warrant, or order.

If the request involves a warrant that appears to be valid and authorizes the arrest of a particular person, the superintendent shall direct Executive Director to request that the arrest be conducted in a manner that is the least disruptive to the school environment and to the student's wellbeing, which may include bringing the arrestee to the federal immigration authorities.

Section 6. School Sponsored Events.

If federal immigration authorities appear at a school-sponsored event open to the general

public (field trip, athletic event, band event, etc.) employees should document their observations, notify Executive Director and follow any guidance provided by Executive Director.

When alerted to the presence of federal immigration authorities at a school-sponsored event, Executive Director shall notify Board President.

Section 7. School Transportation/Buses.

If federal immigration authorities request to board a school bus or other vehicle transportation, the driver should ask them to wait outside the bus/vehicle, close the doors, and immediately call Executive Director and follow any guidance provided by Executive Director.

Executive Director shall notify Board President and coordinate an approved response as outlined in this policy.

Section 8. Required Notice of Immigration Enforcement

When a federal immigration authority is confirmed to have entered an Arthur Academy school for immigration enforcement, the School will provide notice as required by Oregon law.

Notice will be provided to:

- All students enrolled at School;
- Parents and guardians of students attending the School;
- Employees of the School; and
- Community-based service providers who have elected to receive notice.

Notice will be provided as expeditiously as possible using the School established electronic communication methods. The notice will include, to the extent legally permitted:

- Confirmation that a federal immigration authority is present for immigration enforcement;
- The general location of the federal immigration authority; and
- Whether classes or school operations are affected

The notice will not include personally identifiable information, confidential student information, immigration or citizenship information or other information that may not legally be disclosed. Notice will not be provided or will be modified when disclosure is prohibited by law or court order or when disclosure could threaten the health or safety of students or employees.

Unless prohibited by law or court order, the School will make reasonable efforts to notify a student, or the student's parent or guardian, when the School has provided information related to the student to a federal immigration authority.

Section 8. Training.

Upon the adoption of this policy and not less than once every two years thereafter, Executive Director will provide training to current employees of one hour or more regarding federal and state laws, and the School's policies, relating to interacting with federal immigration authorities and responding to immigration enforcement efforts. The School will provide the required training to all new employees within 30 days of beginning employment.

APPENDIX A

FEDERAL COURT WARRANT - **JUDICIAL**

AO 93 (Rev. 11/13) Search and Seizure Warrant

UNITED STATES DISTRICT COURT

for the

_____ District of _____

In the Matter of the Search of
(Briefly describe the property to be searched or identify the person by name and address)

) Case No.

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the _____ District of _____
(identify the person or describe the property to be searched and give its location):

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal *(identify the person or describe the property to be seized)*:

YOU ARE COMMANDED to execute this warrant on or before _____ *(not to exceed 14 days)*
❒ in the daytime 6:00 a.m. to 10:00 p.m. ❒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to _____.
(United States Magistrate Judge)

❒ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized *(check the appropriate box)*
❒ for ____ days *(not to exceed 30)* ❒ until, the facts justifying, the later specific date of _____.

Date and time issued: _____ _____
Judge's signature

City and state: _____ _____
Printed name and title

Return

Case No.:	Date and time warrant executed:	Copy of warrant and inventory left with:
Inventory made in the presence of :		
Inventory of the property taken and name of any person(s) seized:		

Certification

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: _____

_____
Executing officer's signature

_____
Printed name and title

APPENDIX B

HOMELAND SECURITYWARRANT –**NOT JUDICIAL**

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. _____

Date: _____

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that _____ is removable from the United States. This determination is based upon:

☐ the execution of a charging document to initiate removal proceedings against the subject;

☐ the pendency of ongoing removal proceedings against the subject;

☐ the failure to establish admissibility subsequent to deferred inspection;

☐ biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or

☐ statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

SAMPLE

_____
(Signature of Authorized Immigration Officer)

_____
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at _____ (Location)

on _____ (Name of Alien) on _____ (Date of Service), and the contents of this notice were read to him or her in the _____ (Language) language.

_____ Name and Signature of Officer

_____ Name or Number of Interpreter (if applicable)

Form I-200 (Rev. 09/16)

APPENDIX C

FEDERAL COURT CRIMINAL SUBPOENA – **JUDICIAL**

AO 89B (07/16) Subpoena to Produce Documents, Information, or Objects in a Criminal Case

UNITED STATES DISTRICT COURT

for the

_____ District of _____

United States of America)
v.)
) Case No.
_____)
Defendant)

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS IN A CRIMINAL CASE

To:

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

YOU ARE COMMANDED to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects:

Place:	Date and Time:

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date: _____

CLERK OF COURT

_____
Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing *(name of party)* _____

_____, who requests this subpoena, are:

Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No.

PROOF OF SERVICE

This subpoena for *(name of individual and title, if any)* _____

was received by me on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of

$ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)

(c) Producing Documents and Objects.

(1) In General. A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) Quashing or Modifying the Subpoena. On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) Subpoena for Personal or Confidential Information About a Victim. After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) Service. A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

(e) Place of Service.

(1) In the United States. A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) In a Foreign Country. If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) Contempt. The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).

APPENDIX D

FEDERAL COURT CIVIL SUBPOENA – **JUDICIAL**

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

_____ District of _____

_____ *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:* **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 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 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).

Civil Action No.

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

❒ I served the subpoena by delivering a copy to the named person as follows: _____

_____

_____ on *(date)* _____ ; or

❒ I returned the subpoena unexecuted because: _____

_____ .

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of

$ _____ .

My fees are $ _____ for travel and $ _____ for services, for a total of $ _____ .

I declare under penalty of perjury that this information is true.

Date: _____

_____
Server's signature

_____
Printed name and title

_____
Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)

(c) Place of Compliance.

(1) ***For a Trial, Hearing, or Deposition.*** A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

(A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or

(B) within the state where the person resides, is employed, or regularly transacts business in person, if the person

(i) is a party or a party's officer; or

(ii) is commanded to attend a trial and would not incur substantial expense.

(2) ***For Other Discovery.*** A subpoena may command:

(A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and

(B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

APPENDIX E

IMMIGRATION ENFORCEMENT SUBPOENA – **NOT JUDICIAL**

1. To (Name, Address, City, State, Zip Code)	DEPARTMENT OF HOMELAND SECURITY **IMMIGRATION ENFORCEMENT SUBPOENA** **to Appear and/or Produce Records** 8 U.S.C. § 1225(d), 8 C.F.R. § 287.4
Subpoena Number	
2. In Reference To (Title of Proceeding) (File Number, If Applicable)	

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 Name Title Address Telephone Number	(B) Date (C) Time ☒ a.m. ☐ p.m.
4. Records required to be produced for inspection	

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

5. Authorized Official

(Signature)

(Printed Name)

(Title)

(Date)

DHS Form I-138 (6/09)

SAMPLE

APPENDIX F

Le Monde Family Educational Rights and Privacy Act (FERPA) Policy

Le Monde French Immersion Public Charter School (the School) complies with the Family Educational Rights and Privacy Act (FERPA) and applicable federal and state law governing the privacy and confidentiality of student education records.

1. Access to Education Records

Parents and eligible students (students who are 18 years of age or older or who attend a postsecondary institution) have the right to inspect and review the student's education records maintained by the School, subject to the limitations and exceptions provided by law.

2. Amendment of Records

Parents and eligible students may request that the School amend education records that they believe are inaccurate, misleading, or otherwise in violation of the student's privacy rights. If the School declines to amend the record, the parent or eligible student has the right to request a hearing. The School will provide a person who requests a hearing with applicable hearing procedures.

3. Disclosure of Education Records

The School generally will not disclose personally identifiable information from a student's education records without the prior written consent of the parent or eligible student, except as permitted or required by FERPA or other applicable law. Permitted disclosures may include, among other circumstances, disclosures to School officials with legitimate educational interests, disclosures to schools to which a student is transferring, disclosures in connection with certain health or safety emergencies, and disclosures otherwise authorized by FERPA.

The School will use reasonable methods to ensure that School officials obtain access only to education records in which they have legitimate educational interests.

4. Directory Information

The School does not maintain its own annual directory.

5. Annual Notice

The School will annually notify parents and eligible students of their rights under FERPA, including the right to inspect and review education records, request amendment of records, consent to certain disclosures, and file a complaint with the U.S. Department of Education.

This annual notice may be in the form of a link on its website to the "Required Annual Notices to Families" of Portland Public Schools, or a communication via newsletter.

6. Complaints

A parent or eligible student who believes the School has violated FERPA may file a complaint with the Student Privacy Policy Office, U.S. Department of Education, in accordance with applicable federal procedures.

The School will maintain and administer student education records in accordance with FERPA, its implementing regulations, and applicable Oregon law.