

Reviewed \_\_\_\_\_  
Adopted \_\_\_\_\_

## ACHIEVE LANGUAGE ACADEMY

### SAFE HAVEN SCHOOL DECLARATION AND PROCEDURES

#### I. PURPOSE

Achieve Language Academy is committed to the success of all students irrespective of their immigration status, national origin, race, color, creed, religion, sexual orientation, disability, sex, age, marital status, or status with regard to public assistance. Currently, Immigration and Customs Enforcement's (ICE) 2011 policy states that ICE will not conduct certain immigration enforcement activity (arrests, interviews, searches, and surveillance) at any sensitive location, which includes a school, without permission by specific federal law enforcement officials, unless exigent or special circumstances exist. Achieve Language Academy Board and senior leadership of the school support the creation of a SAFE HAVEN SCHOOL DECLARATION AND PROCEDURE. This status shall include:

- Promoting tolerance and acceptance, and rejecting hate speech;
- The school's employees, contractors, volunteers and representatives shall refer any ICE personnel wishing to enter the school to the Executive Director in advance of such entry and shall require the ICE personnel to provide proper written authority to enter the school property in advance of such entry; and the school's employees, contractors, volunteers and representatives shall refer any ICE personnel wishing to access student educational data to the Executive Director and shall require the ICE personnel to provide proper written authority to access student educational data before providing any such access.

#### II. DISCRIMINATION PROHIBITED

The United States Supreme Court found in the case of *Plyler v. Doe*, 475 U.S. 202 (1982), that a public school district may not deny any child access to a free public education on the basis of that child's immigration status.

The Minnesota Human Rights Act (Minn. Statutes, Chapter 363A), the state's comprehensive civil rights law, declares that certain types of differential treatment are unfair, discriminatory practices and against the law. The Act prohibits discrimination in employment, housing and real property, public accommodations, public services, education, credit services and business, specifically prohibiting discrimination in education on the basis of race, color, creed, religion, **national origin**, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability. National



origin means the place of birth of an individual or of any of the individual's lineal ancestors. Minn. Stat. § 363A.03, subd. 25.

## **II. PROCEDURES**

Achieve Language Academy declares it will be a safe haven school, upholding the following:

1. Unless otherwise required by law, Achieve Language Academy will restrict the sharing of student data that may be used to ascertain the legal status of students or their families. Unless otherwise required by law, Achieve Language Academy will not disclose any data about a student's or family's immigration status.
2. That Achieve Language Academy adheres to the laws of the state, St. Paul, and Ramsey County to ensure our students and families are offered a welcome and safe space to the fullest extent allowed by the law.
3. That Achieve Language Academy Board reaffirms the authority of the Executive Director and campus leaders to protect the data and identities of any student, family member, or school employee who may be adversely affected by any future policies or executive action that results in the collection of any personally identifiable information to the fullest extent provided by the law.
4. That Achieve Language Academy reaffirms the school's unequivocal commitment to ensuring a safe educational environment for all students, serving as a safe haven school for students and families threatened by immigration enforcement or discrimination, to the fullest extent provided by the law.

## **III. ADMINISTRATIVE PROCESS REGARDING I-C-E IMMIGRATION AND CUSTOMS ENFORCEMENT AND VISITOR PROCEDURES**

**\*\*Note that generally all Achieve Language Academy student data is protected by the Minnesota Government Data Practices Act and the Family Educational Rights and Privacy Act**

1. If an ICE agent approaches a school asking for student information or for access to a student, the Academy should adhere to its Visitor Procedures; as far as; signing the agent in and requiring the agent to wear a visitor sticker badge. The ICE agent will also be required to present valid identification.
2. The agent should then be referred to the Executive Director.
3. Generally, the Executive Director or designee should immediately contact the Academy's attorney before taking any action or providing any information in response to a request or visit from an ICE agent.



4. The Executive Director or designee should ask the ICE agent to state the reason and authority for the visit, whether the sensitive locations policy is being followed, and, if so, why the sensitive locations policy permits the visit.
5. As a sensitive location, Achieve Language Academy, reserves the right to not permit ICE agents within the school building unless they provide proper written authority to enter the property (e.g., they are acting pursuant to a valid subpoena or court-issued order, or they are executing a criminal or judicial warrant issued and signed by a judge) and, then, only with permission of the Executive Director .
6. The Executive Director or designee should ask the ICE agent to confirm that the agent has a warrant or subpoena or court-issued order and to see the document. If the agent does not have a warrant or subpoena or court-issued order, the Executive Director or designee should decline entry.
7. After the Executive Director or designee reviews the subpoena or warrant or court-issued order and consults with the Academy attorney, the Executive Director or designee can determine appropriate next steps, including whether to allow the ICE agent to move forward with his or her request and notifying appropriate parties, such as the student's parents.
8. Note that depending on whether a parent has opted out of the directory information notice, there is a chance that even student names could be protected under Family Educational Rights and Privacy Act ("FERPA") and the Minnesota Government Data Practices Act ("MGDPA"). Thus, the Academy should not immediately disclose whether a student attends the Academy or is at school that day.

