

Removal/Release of Student During School Hours

Schools must exercise a high order of responsibility for the care of students while in school. The removal of a student during the school day may be authorized in accordance with the following procedures:

- A. Law enforcement officers, upon proper identification, may remove a student from school without a warrant provided that the law enforcement officer signs a statement that he/she is removing the student from school. Residential parents should be contacted as soon as possible when a student is taken into custody; In the event a student is taken into custody, the law enforcement officer will sign a statement accepting responsibility for the student by filling out Form #156 – Removal of Student by Legal Authorities and the school and/or law enforcement officer will immediately notify the parent or guardian. If parental contact would jeopardize the safety or protection of the child, the notification may be postponed.
- B. Any other agencies must have a written administrative or court order directing the school district to give custody to them. Proper identification is required before the student shall be released.
- C. A student will be released to the residential parent or the nonresidential parent, unless the residential parent provides the school with a certified copy of a court order restricting and/or prohibiting the student's contact with the nonresidential parent. When in doubt as to who has custodial rights, the school district will rely on enrollment records. Parents or legal guardians have the burden of furnishing schools with accurate and up-to-date information regarding custodial rights;
- D. The school will enforce a court order terminating one parent's parental rights as long as it has sufficient evidence establishing that the order is authentic and current. The school will not interpret, implement or enforce a restraining or no contact order to which it or a district staff member is not a party. However, if a staff member has concerns about the safety or well-being of a student, including such concerns regarding the release of a student to a parent, the staff member should immediately contact police who can take appropriate investigative and enforcement action. The school will not interpret, implement, enforce or resolve disputes arising out of a parenting plan. A parenting plan is an agreement between parents and the court system, not the school district, which sets forth the authority and responsibility of each parent with respect to the child. If one parent believes the actions of the other parent violate a parenting plan, the proper recourse is through the court system;
- E. The school should always make a reasonable effort to notify the residential parent before releasing the student to a nonresidential parent;
- F. Prior written authorization from the parent or guardian is required before releasing a student into someone else's custody unless an emergency situation justifies a waiver;
- G. Law enforcement should be called if a visitor becomes disruptive or abusive; and
- H. State law requires that school personnel not remove, cause to be removed or allow to be removed a student from school grounds during school hours without the consent of the student's parent or guardian, unless the employee is the student's parent or guardian, the employee is providing bus transportation, the employee is supervising an extra-curricular activity and providing transportation for the student, or the student requires transportation for emergency medical care and the parent cannot be contacted. School security person-

nel may remove a student from school without parental authorization for disciplinary reasons, and anyone officially responding to a 911 emergency call may remove a student without prior parental authorization.

School personnel should exercise discretion as to whether the student will be transported by ambulance or private automobile to a doctor or hospital in the case of an emergency when the school is unable to reach the parent or their authorized representative.

Revised: November 4, 2015