

DESCRIPTOR TERM: Students	Millard District Policy File Code: 6430 Approved: 01-11-24
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PERSONS AUTHORIZED TO ACCESS STUDENTS AT SCHOOL

A. General Rules

1. Schools are places where students are provided education and education-related services. School personnel providing these services (e.g. administrators, teachers, counselors, therapists, aides, school resource officers (SROs), etc.) have access to children at school as needed to perform their various functions. Additionally, school personnel and District personnel providing support to schools meet with students to discuss their conduct or behavior and/or the conduct or behavior of others. School and District personnel will contact parents after communicating with a student when the student is receiving formal discipline, such as a suspension, or in a case where a student's health or safety may be at risk.
2. In circumstances where a school or District administrator reasonably suspects that unlawful activity has been committed by a student, the School Resource Officer or the Millard County Sheriff's Department will be called to investigate the matter. Law enforcement officers follow agency protocols for contacting parents or guardians to inform them of an investigation.
3. Outside of the educational program, schools are not places to be used by governmental or private entities to locate or otherwise access students for the sake of convenience.
4. Any person desiring an interview with any pupil or staff member during school hours shall make such requests through the principal. The principal will decide, depending upon the situation, whether to grant the interview.

B. Custody and Guardianship

1. Both custodial and non-custodial parents shall be allowed access to their child's education records. However, a school principal or designee shall not allow a non-custodial parent access to the child's education records if:
 - a. A court has issued an order that limits the non-custodial parent's access to the child's education records; and
 - b. The school has received a copy of the court order or otherwise has actual knowledge of the order.

- c. When parents were never married, the state of Utah recognizes both parents listed on the birth certificate (or pursuant to a judgment of paternity) as having joint legal and physical custody. Disputes regarding the same should be referred to the department of Prevention and Student Placement.
2. Parents with physical custody of their children and court appointed legal guardians with legally supporting documentation control access to their children at school so long as the access does not cause undue disruption.
3. Removal During School Day
 - a. No person shall be allowed to remove a student from school during the school day unless that person reports first to the Principal at the school's administrative offices, and one of the following circumstances is true:
 - i. The person positively identifies him or herself as the student's custodial parent, including identification of the person, as well as production of documentation sufficient to establish custodial rights to the child, if circumstances warrant it.
 - ii. The person is in possession of and produces a validly issued subpoena or court order instructing the school to deliver the student to the person named in it, and the person can positively identify him or herself as the person named to receive the student in the subpoena.
 - iii. The person is a properly identified law enforcement officer in possession of a validly issued warrant naming the student, and the Principal or his designee examines the warrant and is satisfied that the student is properly and sufficiently identified.
4. Examples of Permitted Access
 - a. A parent with physical custody comes to the school to meet briefly with the student; checks the student out for the rest of the day in accordance with school procedures; calls to have a message relayed to the student; or calls to talk with the student regarding an urgent situation.
5. Parental Authorization for Others to Access their Child
 - a. Parents with physical custody and legal guardians may authorize others to have access to their child. Such authorization must be specific (e.g. emergency contact person has access in an

emergency; specific permission for neighbor to pick the child up on a specific date).

6. Youth in State Custody or Youth Involved in Juvenile Court
 - a. The legal guardian of a youth in state custody is the case manager. As the legal guardian, the case manager may grant access to others such as foster or proctor parents or trackers.
 - b. Courts will often direct, without taking custody, that court officials (e.g. probation officers, guardians ad litem, etc.) be able to access students at various times. These requests shall be honored.

C. Abuse and Neglect

The Utah Department of Child and Family Services (DCFS) and law enforcement conduct investigations of cases involving abuse or neglect of a child

1. DCFS and Law Enforcement Investigations
 - a. State law authorizes DCFS and local law enforcement investigators to meet with students at school to investigate allegations of child abuse or neglect.
 - b. Schools shall require positive identification from DCFS or local law enforcement investigators and keep a log of requests from investigators. The log requirement can be met through completion of the "Granite District Notice of Investigation" form (attached). The form shall not be included in the child's cumulative file.
 - c. Notice to parents or guardians of investigations are the responsibility of DCFS and local law enforcement investigators. Parent or guardian inquiries concerning an investigation should be directed to the investigator.
2. School Personnel Participation in Abuse or Neglect Investigations
 - a. School personnel should cooperate with reasonable requests from DCFS and local law enforcement in child abuse or neglect investigations, including requests to be present during interviews with children. Students may also request the presence of an educator or some other support person during interviews. However, school personnel have no statutory duty or right to be present during interviews.
 - b. School personnel who agree to be present in an interview should be careful to clarify with the investigator and child that their role is

to provide comfort and to observe, not to “protect the child’s rights.” The role of “protecting the child’s rights” assumes an additional duty for which school personnel do not have statutory authority and may not be prepared.

- c. When turning a student over to a DCFS investigator, an administrator should announce in the presence of the investigator and the student something similar to the following: “I am turning this child over to you in accordance with your request; you are responsible for taking any steps necessary to protect the rights of this child, the parents, and any other persons involved.”
- d. Law enforcement personnel or DCFS officials responsible for conducting the interview of a child who is a victim of the alleged child abuse shall determine whether and when the child’s parent(s) or guardian(s) should be notified and the parent(s) or guardian(s) shall be notified by the investigating agency.
- e. School officials shall decline to respond to inquiries from parent(s) or guardian(s) regarding child abuse investigations and shall refer such inquiries to the DCFS or law enforcement or other appropriate investigating agencies.

D. Further Access to Students by Law Enforcement

1. School Related Law Enforcement
 - a. The district is committed to cooperating with local enforcement agencies. As part of that commitment Millard County Sheriff’s Office employ and station Student Resource Officers (SROs) in schools. In addition to offering support to the student population, SROs offer school-related law enforcement services and conduct school-related investigations of criminal activity. SROs may access students in fulfilling their duties. Other law enforcement agents may also access students while assisting in school-related law enforcement matters.
2. Non-School Related Law Enforcement
 - a. Arresting, detaining, or questioning students for non-school-related issues may be allowed in circumstances involving health or safety risks or if a student causes actual or potential disruption or danger to him/herself, other students, or the school. However, schools are not a forum for interviews of students or investigations for non-school-related issues.

3. Notice to Parents by Law Enforcement Agents
 - a. Notice to parents or guardians regarding student arrests, detentions, or questioning in either school- or non-school-related issues is the responsibility of the arresting or detaining agency. Schools may follow up with agents to ascertain whether contact has been made with parents or guardians.

E. Taken into Custody

1. The District shall permit a student to be taken into custody:
 - a. Pursuant to an order of the juvenile court.
 - b. Pursuant to the laws of arrest.
 - c. By a law enforcement officer if there are reasonable grounds to believe the student has engaged in delinquent conduct or conduct in need of supervision.
 - d. By a probation officer if there are reasonable grounds to believe the student has violated a condition of probation imposed by the juvenile court.
 - e. By an authorized representative of the Utah Department of Social Services, a law enforcement officer, or a juvenile probation officer, without a court order under conditions relating to the student's physical health or safety or the physical health or safety of others.