

AR Code: 4210-R Dismissal Precautions for Release of Students During the School Day

These regulations apply to the release of students to any person during the school day. Principals are encouraged to develop additional guidelines and procedures consistent with these rules to assist school employees in making sound decisions about the release of students.

No school employee may release a student into any person's custody unless authorized by the principal to do so in accordance with this regulation.

I. RELEASE PROCEDURES

A. Release to Authorized Persons

Students under the age of 18 shall be released only to the following persons:

1. either parent, unless school officials are in possession of a valid and current court order, separation agreement, or parenting agreement provides otherwise and are provided a copy of such order or agreement;
[Note: Until their rights are limited by court order or agreement, both biological parents have equal authority under law to remove a child from school grounds in accordance with school policies and regulations.]
2. in cases of separation or divorce, the parent who has physical custody of the student under a valid and current court order, separation agreement, or parenting agreement. See Section C, below, for more information regarding custodial and non-custodial parents;
3. the student's legal guardian;
4. a contact person listed in the student's record as having authority to take the student from school as specified by the custodial parent or guardian;
5. another identifiable and verified adult to whom the custodial parent or guardian has granted permission in writing;
6. school personnel authorized by the principal or designee;
7. a law enforcement agent acting in accordance with law; and
8. authorized social services personnel.

The principal may authorize a student to be released to an adult not on this list in an extreme and unusual circumstance such as an emergency situation when school officials are unable to reach any emergency contact provided by the custodial parent/guardian.

For student safety, school officials shall not accept permission or requests to release that are given by telephone. The principal shall advise parents of this limitation.

B. Obtaining and Updating Release Authorization

1. At the time of enrollment, the parent or guardian will be asked to provide a list of people who have authority to remove the student from school and any person(s) who are denied access to the student. The parent will be informed that this information will be considered correct until the school principal or designee is notified to the contrary. If the parent indicates that the other parent should be denied access to the student, school officials should request a copy of any court order or other agreement that limits the parent's access to the student. See Section I.D, below.
2. At the beginning of each school year, parents will be given an opportunity to update the release information by completing a form designed for this purpose or by other processes established by the superintendent. If the parent does not provide updated information by returning the form or by other means as established by the superintendent, school officials will presume that authorization information from the previous school year is still in effect.
3. The list of persons authorized by the parent to remove the student from school and any person(s) who is to be denied access shall be maintained in the student's record, along with any relevant court order or other document.

C. Verification and Check-Out Procedure

Each principal shall designate one or more school personnel ("principal's designee") who are authorized to release students from school. The principal's designee shall make reasonable efforts to verify that any person appearing at a school and requesting permission to take a student from the school is properly authorized and identified before the student is released to him or her.

Students will be released from the school office only and not from any other location in the school. Under no circumstances may a student working in the school office release a student.

The principal shall design a check-out system for students who are being released during the school day. At a minimum, the following practices shall be observed for the release of students.

1. The principal's designee shall verify that the person is the student's custodial parent or guardian or is listed in the student's record as having the authority to take the student from school and has not been denied access to the student, as specified by the custodial parent or guardian.
2. If the person is not listed in the student's record, the principal's designee shall verify that the person has written permission from the parent and shall contact the parent if the authenticity of the written permission is in question. Parents should be advised that school officials might refuse the release of their child to another adult even if the parent has made a written request.
3. If there is a court order or separation or parenting agreement in the student's record, or any concerns about those documents, the designee should contact the principal immediately and should release the student only upon instruction from the principal or other supervising administrator.
4. The principal's designee shall verify the person's identity via a valid photo ID. Under no circumstance may a student be released to an adult who is not properly identified.
5. The person seeking release of the student must sign the student out, indicating they have picked up the student.
6. For high school students not being released to an adult: Notes for students to be released (checked out) should be verified via telephone or email with the custodial parent/guardian.
7. High school students who leave campus during the regular school day to attend a class that is part of the students regular schedule (vocational courses, AP courses, etc.) must sign out according to the protocol used at their school. Parents/guardians will sign for permission for students to participate in these programs at the beginning of the semester.

D. Custodial and Non-Custodial Parents

1. School officials shall refuse to release a student to a non-custodial parent or other person when there is a valid court order, separation agreement, or parenting agreement on file that clearly limits the custody or visitation rights of that person.
2. The custodial parent is responsible for informing school officials about any legal restrictions on custody or visitation and providing a copy of the relevant document to the principal or designee. If no official document is filed with the school, school officials may presume that both parents have the same rights to remove the student from school; however, if the principal or designee judges that the student may be harmed by releasing the student to a parent, the principal or designee shall not release the student and shall contact law enforcement, as provided in Section II, below.
3. School officials may delay the release of a student to a non-custodial parent or other person in order to communicate with the custodial parent regarding release of the student.
4. If neither parent can produce a legal document, release may be made to either parent.
5. In the case of joint custodial agreements or orders, the student may be released to either parent when the order or agreement does not clearly limit access to the student.
6. School officials should seek guidance from the superintendent and/or board attorney if the court order, parenting agreement, or separation agreement is unclear or confusing, its authenticity is in doubt, or pages appear to be missing. However, it is not the duty of school officials to interpret or enforce a custody order, separation agreement, parenting agreement, or visitation schedule, and school personnel should avoid becoming embroiled in disputes over the meaning of such orders or agreements.

II. THREATS TO STUDENT HEALTH OR SAFETY

A. Concerns for Student Health or Safety

If the principal or principal's designee judges that the student's health or safety may be endangered by releasing the student to an authorized adult, such as when the adult appears to be intoxicated, the principal or principal's designee shall contact law enforcement and/or the department of social services as appropriate.

1. If the adult is not the student's custodial parent or guardian, the principal's designee should refuse to release the student to the adult and should contact the student's custodial parent or guardian.
2. If the adult is the student's custodial parent or guardian, the principal's designee should attempt to delay departure until another authorized person can be called to pick up the student. If the person refuses to cooperate or acts in a threatening manner, law enforcement should be contacted.
3. If the student appears apprehensive about leaving school with an authorized adult, the principal's designee should refuse to release the student and should contact the student's custodial parent or guardian. If the adult is the student's custodial parent or guardian, the principal's designee should contact the principal for immediate assistance and should delay releasing the child until receiving further instructions from the principal.

B. Unauthorized Removal of a Student

If a student is taken without permission, school personnel should:

1. contact law enforcement immediately;
2. notify the principal;
3. notify the custodial parent; and
4. comply with the record flagging requirements of G.S. 115C-403 and policy 4700, Student Records, upon official notice of the child's disappearance.

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