

## **Procedure: Removal-Release of Students**

The Board recognizes ESD's responsibility for the proper care of students during the times they are receiving direct services from ESD employees in ESD facilities. The purpose of this procedure is to support the safety and well-being of students by establishing guidelines for the removal or release of a student during regular hours of operation. The removal of a student shall be authorized in accordance with the following procedures:

### **Removal by Law Enforcement**

Law enforcement officers may remove a student from an ESD facility without a warrant if they present proper identification and sign a written statement stating they have probable cause to arrest the student without a warrant or detailing the reasonable suspicion they have to believe the student committed a crime and the reasons they cannot wait to remove the student until the parent is present. If law enforcement is acting on behalf of Immigration, Customs and Enforcement Officials (ICE), Removal by ICE provisions applies. The program director, a cabinet member, or the Superintendent must approve the removal if a parent is not present. The program director, or designee, will notify the student's parent or guardian as soon as possible when a student has been taken into custody.

### **Removal by Other State Agencies or Officials**

Representatives from other state or local agencies, such as Child Protective Services, or court-appointed officials, must present proper identification and a signed written administrative order, or court order directing the release of the student if the person wants to remove the student without the parent's consent. The cabinet member, legal counsel or the Superintendent must approve the decision to authorize the release of a student to someone other than law enforcement without the parent's consent. The cabinet member, Superintendent or legal counsel will confirm a legal basis and proper authority for the person to remove the student, prior to the student's removal.

### **Removal by Immigration, Customs and Enforcement Officials**

Representatives or agents of the United States Immigration, Customs and Enforcement Office (ICE) must present a signed court order directing the arrest or removal of a student. Any ICE request to interview or remove a student will be forwarded to the Superintendent and legal counsel for follow up. Employees will not release students or make them available to be interviewed without approval from the Superintendent or legal counsel.

### **Parental Custody and Release**

A student may be released to either the custodial or noncustodial parent, unless the custodial parent has provided ESD with a certified copy of a court order that restricts or prohibits contact with the noncustodial parent. In the absence of such documentation, ESD will rely on enrollment records to determine custodial rights. It is the responsibility of the parents or guardians to provide accurate and current legal documentation regarding custody arrangements. The program director, or designee, shall make a reasonable effort to notify the residential parent before releasing a student to the noncustodial parent, unless such notification is prohibited by court order.

**Release to Other Individuals**

A student may be released to an individual other than a parent or legal guardian only when prior written authorization has been provided by the residential parent or guardian. In emergency situations where prior authorization is not feasible, an administrator or the program director may approve the release and must document the circumstances and justification for the decision.

**Disruptive Visitors**

If a visitor becomes disruptive, abusive, or refuses to comply with ESD procedures, the program director may contact law enforcement and seek assistance to have the visitor removed.

**Legal and Emergency Exceptions**

State law prohibits ESD employees from removing or allowing the removal of a student from ESD property during regular hours of operation without the consent of the student's parent or guardian. Exceptions to this requirement include situations where the employee is the student's parent or guardian, the employee is providing authorized transportation, the employee is supervising an extracurricular activity and providing transportation, or the student requires emergency medical care and the parent or guardian cannot be reached.

Prior to sending a student home for illness, discipline or corrective action, the program director, or the director's designee, will attempt to reach the student's parent or guardian to inform them of the reason the student is being sent home and to request they come to the ESD facility to pick up their child. If the program director is unable to reach the student's parent or guardian, they shall make a reasonable effort to contact the emergency contact designated by the parent. In the event that neither the parent, guardian, nor emergency contact can be reached, the student shall remain at the ESD facility until the conclusion of the program's regular hours of operation. A student may be released to a law enforcement officer or a Child Protective Services official when no parent, guardian, or emergency contact is available to assume responsibility for the student. In the event of a medical emergency, ESD employees shall use their best judgment to determine whether the student should be transported by ambulance to a medical facility. This decision should prioritize the student's health and safety, particularly when the parent or authorized representative cannot be reached.

Adoption Date: **8-5-25**