

Missoula County Public Schools
Students 3234

Access to and Release of a Student During School Hours

The Board recognizes its responsibility for the proper care of students during school hours. Non-school personnel shall not have access to students during the instructional day except as permitted by this policy.

School Resource Officers

A School Resource Officer (SRO) may be assigned to each District urban high school. SRO services include policing, relationship building and education. In providing SRO services, the SRO will have access to students on a regular basis. However, if an SRO is interrogating a student who may have been involved in a criminal activity, a reasonable attempt should be made to notify the parent/legal guardian of the time of the questioning and their option to be present. A parent/legal guardian, legal counselor, or administrator shall be present during such an interrogation of a minor student or students.

Other Law Enforcement and Social Service Agencies

All contact between the school and the police department or social service workers on matters involving students shall be made through the administrative office. The District encourages police and social service workers to talk to a student away from the school. Law enforcement should only be allowed to conduct an interview in the school if they can show special circumstances exist or if the interview is at the request of a school official. Law enforcement must comply with all legal requirements regarding notification of parents and consent prior to interviewing students. In the event the student's parent cannot be present, a school official shall observe the meeting. Social service workers may be permitted to interview students at school pursuant to Montana law. In the event the social worker declines to notify the parent, a school official shall observe the meeting. If the police have a warrant or probable cause for the student's arrest, they must be permitted to arrest the student; however, whenever possible, the arrest should be conducted in the principal's office out of view of other students. A social worker may take custody of a student upon presentation to the District of a court order granting the social worker such power, or under the provisions of § 41-3-301, MCA.

Parents and Other Adults

A student may be released to a custodial parent during the instructional day. When in doubt as to custodial rights, the District will rely on the most recent information available in the student's records. The District will not release a student to a non-custodial parent without contacting the custodial parent. Prior written permission from the custodial parent is required before releasing a student into the custody of a previously unauthorized adult, unless an emergency situation justifies a waiver.

Legal References:

§ 41-3-202, MCA Action on reporting
§ 41-3-301, MCA Emergency protective service

Policy History:

Presented to PN&P Committee on First Reading, April 20, 2005
First Reading approved at May 10, 2005 Board meeting
Posted for Public Input May 16, 2005
Presented to PN&P Committee for second reading July 27, 2005
Adopted on: August 9, 2005
Revised at PNP on: January 27, 2010
Adopted on: March 9, 2010