

Board Policy Document

STUDENT PERSONNEL

Series 500

Policy Title: Custody of Native American Students

Code Number: 504.16

Under Iowa law, school districts are charged with the care and control of children and are required to exercise the same standard of care toward children that a parent of ordinary prudence would observe in comparable circumstances.

The Indian Child Welfare Act, 25 U.S.C. §1911(d), places exclusive jurisdiction over non-dissolution child custody proceedings with Indian tribes and requires that such tribal orders be given full faith and credit. Iowa Code §598A.2(10), also provides authority for recognition of tribal court custody decrees, including dissolution decrees. Therefore;

The Sioux City Community School District recognizes authenticated tribal court orders regarding the custody of Indian students attending schools in the District as valid orders.

Statute requires court documents to be “authenticated” or “attested” to.

The individual presenting an Order to the District should be required to obtain a copy of the document that either has a seal on it or that has an attestation of validity by a tribal court judge, if the copy presented does not already contain this information.

The Principal of the school is given latitude to honor tribal documents on the spot. Where documents have been presented which are questionable, or there appear to be conflicting documents and claims, the attached administrative regulations should be applied.

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