

Board Policy Document

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## STUDENT PERSONNEL

### *Series 500*

**Policy Title: Custody of Native American Students**

**Code Number: AR504.16**

If the Principal questions the advisability of honoring any tribal court order regarding the custody of students attending schools within the Sioux City Community School District, or if two conflicting orders are presented, the Principal should:

1. First inquire as to whether or not the order has been registered with the Woodbury County Clerk of Court.
  - a. If it has, then the school authorities should assume that it should be honored.
  - b. If it has not been registered, go to the next provision.
2. The Principal should suggest that the individual in possession of the tribal court document register it with the Woodbury County Clerk of Court before the school officials will honor it.
  - a. If this does not occur, or the individual in possession of the document does not seem inclined to register it with the Woodbury County Clerk of Court, the District can file a Petition for Declaratory Judgment from the local District Court; or the District may take no action regarding the order until and unless the individual obtains an Order from a local District Court directing the School District to honor the order.
3. In the event that two conflicting documents are presented, the Principal should honor the most recently entered and authenticated or registered document.

First Adoption: July 25, 2000/July 20, 2009  
Revision Adoption:  
Legal Reference:

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School officials cannot be expected to be experts in tribal laws and jurisdictional disputes between tribal courts. They can only be expected to act reasonably under the circumstances.